

1-1 By: Leach (Senate Sponsor - Kolkhorst) H.B. No. 4173  
 1-2 (In the Senate - Received from the House April 29, 2019;  
 1-3 April 30, 2019, read first time and referred to Committee on  
 1-4 Criminal Justice; May 15, 2019, reported favorably by the  
 1-5 following vote: Yeas 6, Nays 0; May 15, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the nonsubstantive revision of certain provisions of  
 1-18 the Code of Criminal Procedure, including conforming amendments.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 ARTICLE 1. NONSUBSTANTIVE REVISION OF CERTAIN PROVISIONS OF THE  
 1-21 CODE OF CRIMINAL PROCEDURE

1-22 SECTION 1.01. Chapter 1, Code of Criminal Procedure, is  
 1-23 amended by adding Articles 1.025 and 1.026 to read as follows:

1-24 CHAPTER 1. GENERAL PROVISIONS

1-25 Art. 1.025. SEVERABILITY

1-26 Art. 1.026. CONSTRUCTION

1-27 CHAPTER 1. GENERAL PROVISIONS

1-28 Art. 1.025. SEVERABILITY. If any provision of this code or  
 1-29 its application to any person or circumstance is held invalid, the  
 1-30 invalidity does not affect other provisions or applications of the  
 1-31 code that can be given effect without the invalid provision or  
 1-32 application, and to this end the provisions of this code are  
 1-33 severable. (Code Crim. Proc., Art. 54.01.)

1-34 Art. 1.026. CONSTRUCTION. The articles contained in  
 1-35 Chapter 722 (S.B. 107), Acts of the 59th Legislature, Regular  
 1-36 Session, 1965, as revised, rewritten, changed, combined, and  
 1-37 codified, may not be construed as a continuation of former laws  
 1-38 except as otherwise provided in that Act. (Code Crim. Proc., Art.  
 1-39 54.02, Sec. 2(a) (part).)

1-40 SECTION 1.02. Title 1, Code of Criminal Procedure, is  
 1-41 amended by adding Chapter 7B to read as follows:

1-42 CHAPTER 7B. PROTECTIVE ORDERS

1-43 SUBCHAPTER A. PROTECTIVE ORDER FOR VICTIMS OF SEXUAL ASSAULT OR  
 1-44 ABUSE, STALKING, OR TRAFFICKING

1-45 Art. 7B.001. APPLICATION FOR PROTECTIVE ORDER

1-46 Art. 7B.002. TEMPORARY EX PARTE ORDER

1-47 Art. 7B.003. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE  
 1-48 ORDER

1-49 Art. 7B.004. HEARSAY STATEMENT OF CHILD VICTIM

1-50 Art. 7B.005. CONDITIONS SPECIFIED BY PROTECTIVE ORDER

1-51 Art. 7B.006. WARNING ON PROTECTIVE ORDER

1-52 Art. 7B.007. DURATION OF PROTECTIVE ORDER; RESCISSION

1-53 Art. 7B.008. APPLICATION OF OTHER LAW

1-54 SUBCHAPTER B. STALKING PROTECTIVE ORDER

1-55 Art. 7B.051. REQUEST FOR PROTECTIVE ORDER

1-56 Art. 7B.052. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE  
 1-57 ORDER

1-58 Art. 7B.053. ENFORCEMENT

1-59 SUBCHAPTER C. PROTECTIVE ORDER PROHIBITING OFFENSE MOTIVATED BY  
 1-60 BIAS OR PREJUDICE

1-61 Art. 7B.101. REQUEST FOR PROTECTIVE ORDER

2-1 Art. 7B.102. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE  
 2-2 ORDER  
 2-3 Art. 7B.103. ENFORCEMENT  
 2-4 Art. 7B.104. REPORTING  
 2-5 CHAPTER 7B. PROTECTIVE ORDERS  
 2-6 SUBCHAPTER A. PROTECTIVE ORDER FOR VICTIMS OF SEXUAL ASSAULT OR  
 2-7 ABUSE, STALKING, OR TRAFFICKING  
 2-8 Art. 7B.001. APPLICATION FOR PROTECTIVE ORDER. (a) The  
 2-9 following persons may file an application for a protective order  
 2-10 under this subchapter without regard to the relationship between  
 2-11 the applicant and the alleged offender:  
 2-12 (1) a person who is the victim of an offense under  
 2-13 Section 21.02, 21.11, 22.011, 22.021, or 42.072, Penal Code;  
 2-14 (2) a person who is the victim of an offense under  
 2-15 Section 20A.02, 20A.03, or 43.05, Penal Code;  
 2-16 (3) a parent or guardian acting on behalf of a person  
 2-17 younger than 17 years of age who is the victim of an offense listed  
 2-18 in Subdivision (1);  
 2-19 (4) a parent or guardian acting on behalf of a person  
 2-20 younger than 18 years of age who is the victim of an offense listed  
 2-21 in Subdivision (2); or  
 2-22 (5) a prosecuting attorney acting on behalf of a  
 2-23 person described by Subdivision (1), (2), (3), or (4).  
 2-24 (b) An application for a protective order under this  
 2-25 subchapter may be filed in:  
 2-26 (1) a district court, juvenile court having the  
 2-27 jurisdiction of a district court, statutory county court, or  
 2-28 constitutional county court in:  
 2-29 (A) the county in which the applicant resides;  
 2-30 (B) the county in which the alleged offender  
 2-31 resides; or  
 2-32 (C) any county in which an element of the alleged  
 2-33 offense occurred; or  
 2-34 (2) any court with jurisdiction over a protective  
 2-35 order under Title 4, Family Code, involving the same parties named  
 2-36 in the application. (Code Crim. Proc., Art. 7A.01.)  
 2-37 Art. 7B.002. TEMPORARY EX PARTE ORDER. If the court finds  
 2-38 from the information contained in an application for a protective  
 2-39 order that there is a clear and present danger of sexual assault or  
 2-40 abuse, stalking, trafficking, or other harm to the applicant, the  
 2-41 court, without further notice to the alleged offender and without a  
 2-42 hearing, may issue a temporary ex parte order for the protection of  
 2-43 the applicant or any other member of the applicant's family or  
 2-44 household. (Code Crim. Proc., Art. 7A.02.)  
 2-45 Art. 7B.003. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE  
 2-46 ORDER. (a) At the close of a hearing on an application for a  
 2-47 protective order under this subchapter, the court shall find  
 2-48 whether there are reasonable grounds to believe that the applicant  
 2-49 is the victim of sexual assault or abuse, stalking, or trafficking.  
 2-50 (b) If the court finds that there are reasonable grounds to  
 2-51 believe that the applicant is the victim of sexual assault or abuse,  
 2-52 stalking, or trafficking, the court shall issue a protective order  
 2-53 that includes a statement of the required findings. (Code Crim.  
 2-54 Proc., Art. 7A.03.)  
 2-55 Art. 7B.004. HEARSAY STATEMENT OF CHILD VICTIM. In a  
 2-56 hearing on an application for a protective order under this  
 2-57 subchapter, a statement that is made by a child younger than 14  
 2-58 years of age who is the victim of an offense under Section 21.02,  
 2-59 21.11, 22.011, or 22.021, Penal Code, and that describes the  
 2-60 offense committed against the child is admissible as evidence in  
 2-61 the same manner that a child's statement regarding alleged abuse  
 2-62 against the child is admissible under Section 104.006, Family Code,  
 2-63 in a suit affecting the parent-child relationship. (Code Crim.  
 2-64 Proc., Art. 7A.035.)  
 2-65 Art. 7B.005. CONDITIONS SPECIFIED BY PROTECTIVE ORDER. (a)  
 2-66 In a protective order issued under this subchapter, the court may:  
 2-67 (1) order the alleged offender to take action as  
 2-68 specified by the court that the court determines is necessary or  
 2-69 appropriate to prevent or reduce the likelihood of future harm to

3-1 the applicant or a member of the applicant's family or household; or  
 3-2 (2) prohibit the alleged offender from:  
 3-3 (A) communicating:  
 3-4 (i) directly or indirectly with the  
 3-5 applicant or any member of the applicant's family or household in a  
 3-6 threatening or harassing manner; or  
 3-7 (ii) in any manner with the applicant or any  
 3-8 member of the applicant's family or household except through the  
 3-9 applicant's attorney or a person appointed by the court, if the  
 3-10 court finds good cause for the prohibition;  
 3-11 (B) going to or near the residence, place of  
 3-12 employment or business, or child-care facility or school of the  
 3-13 applicant or any member of the applicant's family or household;  
 3-14 (C) engaging in conduct directed specifically  
 3-15 toward the applicant or any member of the applicant's family or  
 3-16 household, including following the person, that is reasonably  
 3-17 likely to harass, annoy, alarm, abuse, torment, or embarrass the  
 3-18 person; and  
 3-19 (D) possessing a firearm, unless the alleged  
 3-20 offender is a peace officer, as defined by Section 1.07, Penal Code,  
 3-21 actively engaged in employment as a sworn, full-time paid employee  
 3-22 of a state agency or political subdivision.  
 3-23 (b) In a protective order that includes a condition  
 3-24 described by Subsection (a)(2)(B), the court shall specifically  
 3-25 describe each prohibited location and the minimum distance from the  
 3-26 location, if any, that the alleged offender must maintain. This  
 3-27 subsection does not apply to a protective order with respect to  
 3-28 which the court has received a request to maintain confidentiality  
 3-29 of information revealing the locations.  
 3-30 (c) In a protective order, the court may suspend a license  
 3-31 to carry a handgun issued under Section 411.177, Government Code,  
 3-32 that is held by the alleged offender. (Code Crim. Proc., Art.  
 3-33 7A.05.)  
 3-34 Art. 7B.006. WARNING ON PROTECTIVE ORDER. (a) Each  
 3-35 protective order issued under this subchapter, including a  
 3-36 temporary ex parte order, must contain the following prominently  
 3-37 displayed statements in boldfaced type, in capital letters, or  
 3-38 underlined:  
 3-39 "A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR  
 3-40 CONTEMPT OF COURT BY A FINE OF AS MUCH AS \$500 OR BY CONFINEMENT IN  
 3-41 JAIL FOR AS LONG AS SIX MONTHS, OR BOTH."  
 3-42 "NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS  
 3-43 ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY  
 3-44 PROVISION OF THIS ORDER. DURING THE TIME IN WHICH THIS ORDER IS  
 3-45 VALID, EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT  
 3-46 UNLESS A COURT CHANGES THE ORDER."  
 3-47 "IT IS UNLAWFUL FOR ANY PERSON, OTHER THAN A PEACE OFFICER, AS  
 3-48 DEFINED BY SECTION 1.07, PENAL CODE, ACTIVELY ENGAGED IN EMPLOYMENT  
 3-49 AS A SWORN, FULL-TIME PAID EMPLOYEE OF A STATE AGENCY OR POLITICAL  
 3-50 SUBDIVISION, WHO IS SUBJECT TO A PROTECTIVE ORDER TO POSSESS A  
 3-51 FIREARM OR AMMUNITION."  
 3-52 (b) Each protective order issued under this subchapter,  
 3-53 except for a temporary ex parte order, must contain the following  
 3-54 prominently displayed statement in boldfaced type, in capital  
 3-55 letters, or underlined:  
 3-56 "A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED  
 3-57 BY THE ORDER MAY BE PUNISHABLE BY A FINE OF AS MUCH AS \$4,000 OR BY  
 3-58 CONFINEMENT IN JAIL FOR AS LONG AS ONE YEAR, OR BOTH. AN ACT THAT  
 3-59 RESULTS IN A SEPARATE OFFENSE MAY BE PROSECUTED AS A SEPARATE  
 3-60 OFFENSE IN ADDITION TO A VIOLATION OF THIS ORDER." (Code Crim.  
 3-61 Proc., Art. 7A.06.)  
 3-62 Art. 7B.007. DURATION OF PROTECTIVE ORDER; RESCISSION. (a)  
 3-63 A protective order issued under Article 7B.003 may be effective for  
 3-64 the duration of the lives of the offender and victim or for any  
 3-65 shorter period stated in the order. If a period is not stated in the  
 3-66 order, the order is effective until the second anniversary of the  
 3-67 date the order was issued.  
 3-68 (b) The following persons may file at any time an  
 3-69 application with the court to rescind the protective order:

4-1 (1) a victim of an offense listed in Article  
4-2 7B.001(a)(1) who is 17 years of age or older or a parent or guardian  
4-3 acting on behalf of a victim who is younger than 17 years of age; or

4-4 (2) a victim of an offense listed in Article  
4-5 7B.001(a)(2) or a parent or guardian acting on behalf of a victim  
4-6 who is younger than 18 years of age.

4-7 (c) To the extent of any conflict with Section 85.025,  
4-8 Family Code, this article prevails. (Code Crim. Proc., Art.  
4-9 7A.07.)

4-10 Art. 7B.008. APPLICATION OF OTHER LAW. To the extent  
4-11 applicable, except as otherwise provided by this subchapter, Title  
4-12 4, Family Code, applies to a protective order issued under this  
4-13 subchapter. (Code Crim. Proc., Art. 7A.04.)

4-14 SUBCHAPTER B. STALKING PROTECTIVE ORDER

4-15 Art. 7B.051. REQUEST FOR PROTECTIVE ORDER. (a) At any  
4-16 proceeding related to an offense under Section 42.072, Penal Code,  
4-17 in which the defendant appears before the court, a person may  
4-18 request the court to issue a protective order under Title 4, Family  
4-19 Code, for the protection of the person.

4-20 (b) The request under Subsection (a) is made by filing an  
4-21 application for a protective order in the same manner as an  
4-22 application for a protective order under Title 4, Family Code.  
4-23 (Code Crim. Proc., Art. 6.09(a).)

4-24 Art. 7B.052. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE  
4-25 ORDER. The court shall issue a protective order in the manner  
4-26 provided by Title 4, Family Code, if, in lieu of the finding that  
4-27 family violence occurred and is likely to occur in the future as  
4-28 required by Section 85.001, Family Code, the court finds that:

4-29 (1) probable cause exists to believe that an offense  
4-30 under Section 42.072, Penal Code, was committed; and

4-31 (2) the nature of the scheme or course of conduct  
4-32 engaged in by the defendant in committing the offense indicates the  
4-33 defendant is likely in the future to engage in conduct prohibited by  
4-34 Section 42.072(a)(1), (2), or (3), Penal Code. (Code Crim. Proc.,  
4-35 Art. 6.09(b).)

4-36 Art. 7B.053. ENFORCEMENT. The procedure for the  
4-37 enforcement of a protective order under Title 4, Family Code,  
4-38 applies to the fullest extent practicable to the enforcement of a  
4-39 protective order under this subchapter, including provisions  
4-40 relating to findings, contents, duration, warning, delivery, law  
4-41 enforcement duties, and modification. (Code Crim. Proc., Art.  
4-42 6.09(c).)

4-43 SUBCHAPTER C. PROTECTIVE ORDER PROHIBITING OFFENSE MOTIVATED BY  
4-44 BIAS OR PREJUDICE

4-45 Art. 7B.101. REQUEST FOR PROTECTIVE ORDER. A person may  
4-46 request the court to issue a protective order under Title 4, Family  
4-47 Code, for the protection of the person at any proceeding:

4-48 (1) in which the defendant appears in constitutional  
4-49 county court, statutory county court, or district court;

4-50 (2) that is related to an offense under Title 5, Penal  
4-51 Code, or Section 28.02, 28.03, or 28.08, Penal Code; and

4-52 (3) in which it is alleged that the defendant  
4-53 committed the offense because of bias or prejudice as described by  
4-54 Article 42.014. (Code Crim. Proc., Art. 6.08(a).)

4-55 Art. 7B.102. REQUIRED FINDINGS; ISSUANCE OF PROTECTIVE  
4-56 ORDER. The court shall issue a protective order in the manner  
4-57 provided by Title 4, Family Code, if, in lieu of the finding that  
4-58 family violence occurred and is likely to occur in the future as  
4-59 required by Section 85.001, Family Code, the court finds that:

4-60 (1) probable cause exists to believe that an offense  
4-61 under Title 5, Penal Code, or Section 28.02, 28.03, or 28.08, Penal  
4-62 Code, was committed;

4-63 (2) the defendant committed the offense because of  
4-64 bias or prejudice; and

4-65 (3) the nature of the scheme or course of conduct  
4-66 engaged in by the defendant in committing the offense indicates the  
4-67 defendant is likely in the future to:

4-68 (A) engage in conduct prohibited by Title 5,  
4-69 Penal Code, or Section 28.02, 28.03, or 28.08, Penal Code; and

5-1 (B) engage in that conduct described by Paragraph  
5-2 (A) because of bias or prejudice. (Code Crim. Proc., Art. 6.08(b).)  
5-3 Art. 7B.103. ENFORCEMENT. The procedure for the  
5-4 enforcement of a protective order under Title 4, Family Code,  
5-5 applies to the fullest extent practicable to the enforcement of a  
5-6 protective order under this subchapter, including provisions  
5-7 relating to findings, contents, duration, warning, delivery, law  
5-8 enforcement duties, and modification, except that:

5-9 (1) the printed statement on the warning must refer to  
5-10 the prosecution of subsequent offenses committed because of bias or  
5-11 prejudice;

5-12 (2) the court shall require a constable to serve a  
5-13 protective order issued under this subchapter; and

5-14 (3) the clerk of the court shall forward a copy of a  
5-15 protective order issued under this subchapter to the Department of  
5-16 Public Safety with a designation indicating that the order was  
5-17 issued to prevent offenses committed because of bias or prejudice.  
5-18 (Code Crim. Proc., Art. 6.08(c).)

5-19 Art. 7B.104. REPORTING. For an original or modified  
5-20 protective order issued under this subchapter, on receipt of the  
5-21 order from the clerk of the court, a law enforcement agency shall  
5-22 immediately, but not later than the 10th day after the date the  
5-23 order is received, enter the information required by Section  
5-24 411.042(b)(6), Government Code, into the statewide law enforcement  
5-25 information system maintained by the Department of Public Safety.  
5-26 (Code Crim. Proc., Art. 6.08(d).)

5-27 SECTION 1.03. Title 1, Code of Criminal Procedure, is  
5-28 amended by adding Chapter 19A to read as follows:

5-29 CHAPTER 19A. GRAND JURY ORGANIZATION

5-30 SUBCHAPTER A. GENERAL PROVISIONS

5-31 Art. 19A.001. DEFINITIONS

5-32 SUBCHAPTER B. SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS

5-33 Art. 19A.051. SELECTION AND SUMMONS OF PROSPECTIVE  
5-34 GRAND JURORS

5-35 Art. 19A.052. QUALIFIED PERSONS SUMMONED

5-36 Art. 19A.053. ADDITIONAL QUALIFIED PERSONS SUMMONED

5-37 Art. 19A.054. FAILURE TO ATTEND

5-38 SUBCHAPTER C. GRAND JUROR QUALIFICATIONS; EXCUSES FROM SERVICE

5-39 Art. 19A.101. GRAND JUROR QUALIFICATIONS

5-40 Art. 19A.102. TESTING QUALIFICATIONS OF PROSPECTIVE  
5-41 GRAND JURORS

5-42 Art. 19A.103. QUALIFIED GRAND JURORS ACCEPTED

5-43 Art. 19A.104. PERSONAL INFORMATION CONFIDENTIAL

5-44 Art. 19A.105. EXCUSES FROM GRAND JURY SERVICE

5-45 SUBCHAPTER D. CHALLENGE TO ARRAY OR GRAND JUROR

5-46 Art. 19A.151. ANY PERSON MAY CHALLENGE

5-47 Art. 19A.152. CHALLENGE TO ARRAY

5-48 Art. 19A.153. CHALLENGE TO GRAND JUROR

5-49 Art. 19A.154. DETERMINATION OF VALIDITY OF CHALLENGE

5-50 Art. 19A.155. ADDITIONAL PROSPECTIVE GRAND JURORS  
5-51 SUMMONED FOLLOWING CHALLENGE

5-52 SUBCHAPTER E. IMPANELING OF GRAND JURY

5-53 Art. 19A.201. GRAND JURY IMPANELED

5-54 Art. 19A.202. OATH OF GRAND JURORS

5-55 Art. 19A.203. FOREPERSON

5-56 Art. 19A.204. COURT INSTRUCTIONS

5-57 SUBCHAPTER F. ORGANIZATION AND TERM OF GRAND JURY

5-58 Art. 19A.251. QUORUM

5-59 Art. 19A.252. DISQUALIFICATION OR UNAVAILABILITY OF  
5-60 GRAND JUROR

5-61 Art. 19A.253. RECUSAL OF GRAND JUROR

5-62 Art. 19A.254. REASSEMBLY OF GRAND JURY

5-63 Art. 19A.255. EXTENSION OF TERM

5-64 SUBCHAPTER G. BAILIFFS

5-65 Art. 19A.301. BAILIFFS APPOINTED; COMPENSATION

5-66 Art. 19A.302. BAILIFF'S DUTIES

5-67 Art. 19A.303. BAILIFF'S VIOLATION OF DUTY

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## CHAPTER 19A. GRAND JURY ORGANIZATION

## SUBCHAPTER A. GENERAL PROVISIONS

Art. 19A.001. DEFINITIONS. In this chapter:

(1) "Array" means the whole body of persons summoned to serve as grand jurors before the grand jurors have been impaneled.

(2) "Panel" means the whole body of grand jurors. (Code Crim. Proc., Arts. 19.28, 19.29 (part).)

## SUBCHAPTER B. SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS

Art. 19A.051. SELECTION AND SUMMONS OF PROSPECTIVE GRAND JURORS. (a) The district judge shall direct that the number of prospective grand jurors the judge considers necessary to ensure an adequate number of grand jurors under Article 19A.201 be selected and summoned, with return on summons.

(b) The prospective grand jurors shall be selected and summoned in the same manner as for the selection and summons of panels for the trial of civil cases in the district courts.

(c) The judge shall test the qualifications for and excuses from service as a grand juror and impanel the completed grand jury as provided by this chapter. (Code Crim. Proc., Art. 19.01.)

Art. 19A.052. QUALIFIED PERSONS SUMMONED. On directing the sheriff to summon grand jurors, the court shall instruct the sheriff to not summon a person to serve as a grand juror who does not possess the qualifications prescribed by law. (Code Crim. Proc., Art. 19.20.)

Art. 19A.053. ADDITIONAL QUALIFIED PERSONS SUMMONED. (a) If fewer than 16 persons summoned to serve as grand jurors are found to be in attendance and qualified to serve, the court shall order the sheriff to summon an additional number of persons considered necessary to constitute a grand jury of 12 grand jurors and four alternate grand jurors.

(b) The sheriff shall summon the additional prospective grand jurors under Subsection (a) in person to attend before the court immediately. (Code Crim. Proc., Arts. 19.18, 19.19.)

Art. 19A.054. FAILURE TO ATTEND. The court, by an order entered on the record, may impose a fine of not less than \$100 and not more than \$500 on a legally summoned grand juror who fails to attend without a reasonable excuse. (Code Crim. Proc., Art. 19.16.)

## SUBCHAPTER C. GRAND JUROR QUALIFICATIONS; EXCUSES FROM SERVICE

Art. 19A.101. GRAND JUROR QUALIFICATIONS. A person may be selected or serve as a grand juror only if the person:

(1) is at least 18 years of age;

(2) is a citizen of the United States;

(3) is a resident of this state and of the county in which the person is to serve;

(4) is qualified under the constitution and other laws to vote in the county in which the grand jury is sitting, regardless of whether the person is registered to vote;

(5) is of sound mind and good moral character;

(6) is able to read and write;

(7) has not been convicted of misdemeanor theft or a felony;

(8) is not under indictment or other legal accusation for misdemeanor theft or a felony;

(9) is not related within the third degree by consanguinity or second degree by affinity, as determined under Chapter 573, Government Code, to any person selected to serve or serving on the same grand jury;

(10) has not served as a grand juror in the year before the date on which the term of court for which the person has been selected as a grand juror begins; and

(11) is not a complainant in any matter to be heard by the grand jury during the term of court for which the person has been selected as a grand juror. (Code Crim. Proc., Art. 19.08.)

Art. 19A.102. TESTING QUALIFICATIONS OF PROSPECTIVE GRAND JURORS. (a) When at least 14 persons summoned to serve as grand jurors are present, the court shall test the qualifications of the prospective grand jurors to serve as grand jurors.

(b) Before impaneling a grand juror, the court or a person

7-1 under the direction of the court must interrogate under oath each  
7-2 person who is presented to serve as a grand juror regarding the  
7-3 person's qualifications.

7-4 (c) In testing the qualifications of a person to serve as a  
7-5 grand juror, the court or a person under the direction of the court  
7-6 shall ask:

7-7 (1) "Are you a citizen of this state and county, and  
7-8 qualified to vote in this county, under the constitution and laws of  
7-9 this state?";

7-10 (2) "Are you able to read and write?";

7-11 (3) "Have you ever been convicted of misdemeanor theft  
7-12 or any felony?"; and

7-13 (4) "Are you under indictment or other legal  
7-14 accusation for misdemeanor theft or for any felony?". (Code Crim.  
7-15 Proc., Arts. [19.21](#), [19.22](#), [19.23](#).)

7-16 Art. 19A.103. QUALIFIED GRAND JURORS ACCEPTED. If, by the  
7-17 person's answer, it appears to the court that the person is a  
7-18 qualified grand juror, the court shall accept the person as a grand  
7-19 juror unless it is shown that the person:

7-20 (1) is not of sound mind or of good moral character; or

7-21 (2) is in fact not qualified to serve as a grand juror.

7-22 (Code Crim. Proc., Art. [19.24](#).)

7-23 Art. 19A.104. PERSONAL INFORMATION CONFIDENTIAL. (a)  
7-24 Except as provided by Subsection (c), information collected by the  
7-25 court, court personnel, or prosecuting attorney during the grand  
7-26 jury selection process about a person who serves as a grand juror is  
7-27 confidential and may not be disclosed by the court, court  
7-28 personnel, or prosecuting attorney.

7-29 (b) Information that is confidential under Subsection (a)  
7-30 includes a person's:

7-31 (1) home address;

7-32 (2) home telephone number;

7-33 (3) social security number;

7-34 (4) driver's license number; and

7-35 (5) other personal information.

7-36 (c) On a showing of good cause, the court shall permit  
7-37 disclosure of the information sought to a party to the proceeding.  
7-38 (Code Crim. Proc., Art. [19.42](#).)

7-39 Art. 19A.105. EXCUSES FROM GRAND JURY SERVICE. (a) The  
7-40 court shall excuse from serving any summoned person who does not  
7-41 possess the requisite qualifications.

7-42 (b) The following qualified persons may be excused from  
7-43 grand jury service:

7-44 (1) a person older than 70 years of age;

7-45 (2) a person responsible for the care of a child  
7-46 younger than 18 years of age;

7-47 (3) a student of a public or private secondary school;

7-48 (4) a person enrolled in and in actual attendance at an  
7-49 institution of higher education; and

7-50 (5) any other person the court determines has a  
7-51 reasonable excuse from service. (Code Crim. Proc., Art. [19.25](#).)

7-52 SUBCHAPTER D. CHALLENGE TO ARRAY OR GRAND JUROR

7-53 Art. 19A.151. ANY PERSON MAY CHALLENGE. (a) Before the  
7-54 grand jury is impaneled, any person may challenge the array of grand  
7-55 jurors or any person presented as a grand juror. The court may not  
7-56 hear objections to the qualifications and legality of the grand  
7-57 jury in any other way.

7-58 (b) A person confined in jail in the county shall, on the  
7-59 person's request, be brought into court to make a challenge  
7-60 described by Subsection (a). (Code Crim. Proc., Art. [19.27](#).)

7-61 Art. 19A.152. CHALLENGE TO ARRAY. (a) A challenge to the  
7-62 array may be made only for the following causes:

7-63 (1) that the persons summoned as grand jurors are not  
7-64 in fact the persons selected by the method provided by Article  
7-65 [19A.051](#); or

7-66 (2) that the officer who summoned the grand jurors  
7-67 acted corruptly in summoning any grand juror.

7-68 (b) A challenge to the array must be made in writing. (Code  
7-69 Crim. Proc., Art. [19.30](#).)

8-1 Art. 19A.153. CHALLENGE TO GRAND JUROR. (a) A challenge to  
8-2 a grand juror may be made orally for any of the following causes:

8-3 (1) that the grand juror is insane;

8-4 (2) that the grand juror has a defect in the organs of  
8-5 feeling or hearing, or a bodily or mental defect or disease that  
8-6 renders the grand juror unfit for grand jury service, or that the  
8-7 grand juror is legally blind and the court in its discretion is not  
8-8 satisfied that the grand juror is fit for grand jury service in that  
8-9 particular case;

8-10 (3) that the grand juror is a witness in or a target of  
8-11 an investigation of a grand jury;

8-12 (4) that the grand juror served on a petit jury in a  
8-13 former trial of the same alleged conduct or offense that the grand  
8-14 jury is investigating;

8-15 (5) that the grand juror has a bias or prejudice in  
8-16 favor of or against the person accused or suspected of committing an  
8-17 offense that the grand jury is investigating;

8-18 (6) that from hearsay, or otherwise, there is  
8-19 established in the mind of the grand juror a conclusion as to the  
8-20 guilt or innocence of the person accused or suspected of committing  
8-21 an offense that the grand jury is investigating that would  
8-22 influence the grand juror's vote on the presentment of an  
8-23 indictment;

8-24 (7) that the grand juror is related within the third  
8-25 degree by consanguinity or affinity, as determined under Chapter  
8-26 573, Government Code, to a person accused or suspected of  
8-27 committing an offense that the grand jury is investigating or to a  
8-28 person who is a victim of an offense that the grand jury is  
8-29 investigating;

8-30 (8) that the grand juror has a bias or prejudice  
8-31 against any phase of the law on which the state is entitled to rely  
8-32 for an indictment;

8-33 (9) that the grand juror is not a qualified grand  
8-34 juror; or

8-35 (10) that the grand juror is the prosecutor on an  
8-36 accusation against the person making the challenge.

8-37 (b) A challenge under Subsection (a)(3) may be made ex  
8-38 parte. The court shall review and rule on the challenge in an in  
8-39 camera proceeding. The court shall seal any record of the  
8-40 challenge.

8-41 (c) In this article, "legally blind" has the meaning  
8-42 assigned by Article 35.16(a). (Code Crim. Proc., Art. 19.31.)

8-43 Art. 19A.154. DETERMINATION OF VALIDITY OF CHALLENGE. When  
8-44 a person challenges the array or a grand juror, the court shall hear  
8-45 proof and decide in a summary manner whether the challenge is well  
8-46 founded. (Code Crim. Proc., Art. 19.32.)

8-47 Art. 19A.155. ADDITIONAL PROSPECTIVE GRAND JURORS SUMMONED  
8-48 FOLLOWING CHALLENGE. (a) If the court sustains a challenge to the  
8-49 array, the court shall order another grand jury to be summoned.

8-50 (b) If, because of a challenge to any particular grand  
8-51 juror, fewer than 12 grand jurors remain, the court shall order the  
8-52 panel to be completed. (Code Crim. Proc., Art. 19.33.)

8-53 SUBCHAPTER E. IMPANELING OF GRAND JURY

8-54 Art. 19A.201. GRAND JURY IMPANELED. (a) When at least 16  
8-55 qualified grand jurors are found to be present, the court shall  
8-56 select 12 fair and impartial persons as grand jurors and 4  
8-57 additional persons as alternate grand jurors to serve on  
8-58 disqualification or unavailability of a grand juror during the term  
8-59 of the grand jury. The grand jurors and the alternate grand jurors  
8-60 must be randomly selected from a fair cross section of the  
8-61 population of the area served by the court.

8-62 (b) The court shall impanel the grand jurors and alternate  
8-63 grand jurors, unless a challenge is made to the array or to a  
8-64 particular person presented to serve as a grand juror or an  
8-65 alternate grand juror.

8-66 (c) A grand juror is considered to be impaneled after the  
8-67 grand juror's qualifications have been tested and the grand juror  
8-68 has been sworn. (Code Crim. Proc., Arts. 19.26(a), (b) (part),  
8-69 19.29 (part).)

9-1 Art. 19A.202. OATH OF GRAND JURORS. The court or a person  
 9-2 under the direction of the court shall administer the following  
 9-3 oath to the grand jurors when the grand jury is completed: "You  
 9-4 solemnly swear that you will diligently inquire into, and true  
 9-5 presentment make, of all such matters and things as shall be given  
 9-6 you in charge; the State's counsel, your fellows and your own, you  
 9-7 shall keep secret, unless required to disclose the same in the  
 9-8 course of a judicial proceeding in which the truth or falsity of  
 9-9 evidence given in the grand jury room, in a criminal case, shall be  
 9-10 under investigation. You shall present no person from envy, hatred  
 9-11 or malice; neither shall you leave any person unpresented for love,  
 9-12 fear, favor, affection or hope of reward; but you shall present  
 9-13 things truly as they come to your knowledge, according to the best  
 9-14 of your understanding, so help you God." (Code Crim. Proc., Art.  
 9-15 19.34 (part).)

9-16 Art. 19A.203. FOREPERSON. (a) When the grand jury is  
 9-17 completed, the court shall appoint one of the grand jurors as  
 9-18 foreperson.

9-19 (b) If the foreperson is for any cause absent or unable or  
 9-20 disqualified to act, the court shall appoint another grand juror as  
 9-21 foreperson. (Code Crim. Proc., Arts. 19.34 (part), 19.39.)

9-22 Art. 19A.204. COURT INSTRUCTIONS. The court shall instruct  
 9-23 the grand jury regarding the grand jurors' duty. (Code Crim. Proc.,  
 9-24 Art. 19.35.)

#### 9-25 SUBCHAPTER F. ORGANIZATION AND TERM OF GRAND JURY

9-26 Art. 19A.251. QUORUM. Nine grand jurors constitute a  
 9-27 quorum for the purpose of discharging a duty or exercising a right  
 9-28 properly belonging to the grand jury. (Code Crim. Proc., Art.  
 9-29 19.40.)

9-30 Art. 19A.252. DISQUALIFICATION OR UNAVAILABILITY OF GRAND  
 9-31 JUROR. (a) On learning that a grand juror has become disqualified  
 9-32 or unavailable during the term of the grand jury, the attorney  
 9-33 representing the state shall prepare an order for the court:

9-34 (1) identifying the disqualified or unavailable grand  
 9-35 juror;

9-36 (2) stating the basis for the disqualification or  
 9-37 unavailability;

9-38 (3) dismissing the disqualified or unavailable grand  
 9-39 juror from the grand jury; and

9-40 (4) naming one of the alternate grand jurors as a  
 9-41 member of the grand jury.

9-42 (b) The procedure established by this article may be used on  
 9-43 disqualification or unavailability of a second or subsequent grand  
 9-44 juror during the term of the grand jury.

9-45 (c) For purposes of this article, a grand juror is  
 9-46 unavailable if the grand juror is unable to participate fully in the  
 9-47 duties of the grand jury because of:

9-48 (1) the death of the grand juror;

9-49 (2) a physical or mental illness of the grand juror; or

9-50 (3) any other reason the court determines constitutes  
 9-51 good cause for dismissing the grand juror. (Code Crim. Proc., Art.  
 9-52 19.26(b) (part).)

9-53 Art. 19A.253. RECUSAL OF GRAND JUROR. (a) A grand juror  
 9-54 who, during the course of the grand juror's service on the grand  
 9-55 jury, determines that the grand juror could be subject to a valid  
 9-56 challenge for cause under Article 19A.153, shall recuse himself or  
 9-57 herself from grand jury service until the cause no longer exists.

9-58 (b) A grand juror who knowingly fails to recuse himself or  
 9-59 herself under Subsection (a) may be held in contempt of court.

9-60 (c) A person authorized to be present in the grand jury room  
 9-61 shall report a known violation of Subsection (a) to the court.

9-62 (d) The court shall instruct the grand jury regarding the  
 9-63 duty imposed by this article. (Code Crim. Proc., Art. 19.315.)

9-64 Art. 19A.254. REASSEMBLY OF GRAND JURY. A grand jury  
 9-65 discharged by the court for the term may be reassembled by the court  
 9-66 at any time during the term. (Code Crim. Proc., Art. 19.41.)

9-67 Art. 19A.255. EXTENSION OF TERM. (a) If, before the  
 9-68 expiration of the term for which the grand jury was impaneled, the  
 9-69 foreperson or a majority of the grand jurors declares in open court

10-1 that the grand jury's investigation of the matters before the grand  
 10-2 jury cannot be concluded before the expiration of the term, the  
 10-3 judge of the district court in which the grand jury was impaneled  
 10-4 may, by an order entered on the minutes of the court, extend, from  
 10-5 time to time, the period during which the grand jury serves, for the  
 10-6 purpose of concluding the investigation of matters then before the  
 10-7 grand jury.

10-8 (b) The extended period during which the grand jury serves  
 10-9 under Subsection (a) may not exceed a total of 90 days after the  
 10-10 expiration date of the term for which the grand jury was impaneled.

10-11 (c) All indictments pertaining to the investigation for  
 10-12 which the extension was granted returned by the grand jury during  
 10-13 the extended period are as valid as if returned before the  
 10-14 expiration of the term. (Code Crim. Proc., Art. 19.07.)

#### 10-15 SUBCHAPTER G. BAILIFFS

10-16 Art. 19A.301. BAILIFFS APPOINTED; COMPENSATION. (a) The  
 10-17 court and the district attorney may each appoint one or more  
 10-18 bailiffs to attend to the grand jury.

10-19 (b) The court, or a person under the direction of the court,  
 10-20 shall administer the following oath to each bailiff at the time of  
 10-21 appointment: "You solemnly swear that you will faithfully and  
 10-22 impartially perform all the duties of bailiff of the grand jury, and  
 10-23 that you will keep secret the proceedings of the grand jury, so help  
 10-24 you God."

10-25 (c) Bailiffs appointed under this article shall be  
 10-26 compensated in an amount set by the applicable county commissioners  
 10-27 court. (Code Crim. Proc., Art. 19.36.)

10-28 Art. 19A.302. BAILIFF'S DUTIES. (a) A bailiff shall:

- 10-29 (1) obey the instructions of the foreperson;
- 10-30 (2) summon all witnesses; and
- 10-31 (3) perform all duties the foreperson requires of the  
 10-32 bailiff.

10-33 (b) One bailiff shall always be with the grand jury if two or  
 10-34 more bailiffs are appointed. (Code Crim. Proc., Art. 19.37.)

10-35 Art. 19A.303. BAILIFF'S VIOLATION OF DUTY. (a) A bailiff  
 10-36 may not:

- 10-37 (1) take part in the discussions or deliberations of  
 10-38 the grand jury; or
- 10-39 (2) be present when the grand jury is discussing or  
 10-40 voting on a question.

10-41 (b) The grand jury shall report to the court any violation  
 10-42 of duty by a bailiff. The court may punish the bailiff for the  
 10-43 violation as for contempt. (Code Crim. Proc., Art. 19.38.)

10-44 SECTION 1.04. Title 1, Code of Criminal Procedure, is  
 10-45 amended by adding Chapter 20A to read as follows:

#### 10-46 CHAPTER 20A. GRAND JURY PROCEEDINGS

##### 10-47 SUBCHAPTER A. GENERAL PROVISIONS

10-48 Art. 20A.001. DEFINITIONS

##### 10-49 SUBCHAPTER B. DUTIES OF GRAND JURY AND GRAND JURORS

10-50 Art. 20A.051. DUTIES OF GRAND JURY

10-51 Art. 20A.052. DUTIES AND POWERS OF FOREPERSON

10-52 Art. 20A.053. MEETING AND ADJOURNMENT

##### 10-53 SUBCHAPTER C. GRAND JURY ROOM; PERSONS AUTHORIZED TO BE PRESENT

10-54 Art. 20A.101. GRAND JURY ROOM

10-55 Art. 20A.102. PERSONS WHO MAY BE PRESENT IN GRAND JURY  
 10-56 ROOM

10-57 Art. 20A.103. ATTORNEY REPRESENTING STATE ENTITLED TO  
 10-58 APPEAR

10-59 Art. 20A.104. PERSONS WHO MAY ADDRESS GRAND JURY

##### 10-60 SUBCHAPTER D. ADVICE TO GRAND JURY

10-61 Art. 20A.151. ADVICE FROM ATTORNEY REPRESENTING STATE

10-62 Art. 20A.152. ADVICE FROM COURT

##### 10-63 SUBCHAPTER E. RECORDING AND DISCLOSURE OF GRAND JURY PROCEEDINGS

10-64 Art. 20A.201. RECORDING OF ACCUSED OR SUSPECTED  
 10-65 PERSON'S TESTIMONY; RETENTION OF  
 10-66 RECORDS

10-67 Art. 20A.202. PROCEEDINGS SECRET

10-68 Art. 20A.203. DISCLOSURE BY PERSON IN PROCEEDING  
 10-69 PROHIBITED

11-1 Art. 20A.204. DISCLOSURE BY ATTORNEY REPRESENTING  
11-2 STATE  
11-3 Art. 20A.205. PETITION FOR DISCLOSURE BY DEFENDANT  
11-4 SUBCHAPTER F. WITNESSES  
11-5 Art. 20A.251. IN-COUNTY WITNESS  
11-6 Art. 20A.252. OUT-OF-COUNTY WITNESS  
11-7 Art. 20A.253. EXECUTION OF PROCESS  
11-8 Art. 20A.254. EVASION OF PROCESS  
11-9 Art. 20A.255. WITNESS REFUSAL TO TESTIFY  
11-10 Art. 20A.256. WITNESS OATH  
11-11 Art. 20A.257. EXAMINATION OF WITNESSES  
11-12 Art. 20A.258. EXAMINATION OF ACCUSED OR SUSPECTED  
11-13 PERSON  
11-14 Art. 20A.259. PEACE OFFICER TESTIMONY BY VIDEO  
11-15 TELECONFERENCING  
11-16 SUBCHAPTER G. INDICTMENT  
11-17 Art. 20A.301. VOTING ON INDICTMENT  
11-18 Art. 20A.302. PREPARATION OF INDICTMENT  
11-19 Art. 20A.303. PRESENTMENT OF INDICTMENT  
11-20 Art. 20A.304. PRESENTMENT OF INDICTMENT ENTERED IN  
11-21 RECORD  
11-22 CHAPTER 20A. GRAND JURY PROCEEDINGS  
11-23 SUBCHAPTER A. GENERAL PROVISIONS  
11-24 Art. 20A.001. DEFINITIONS. In this chapter:  
11-25 (1) "Attorney representing the state" means the  
11-26 attorney general, district attorney, criminal district attorney,  
11-27 or county attorney.  
11-28 (2) "Foreperson" means the foreperson of the grand  
11-29 jury appointed under Article 19A.203. (Code Crim. Proc., Art.  
11-30 20.03 (part); New.)  
11-31 SUBCHAPTER B. DUTIES OF GRAND JURY AND GRAND JURORS  
11-32 Art. 20A.051. DUTIES OF GRAND JURY. The grand jury shall  
11-33 inquire into all offenses subject to indictment of which any grand  
11-34 juror may have knowledge or of which the grand jury is informed by  
11-35 the attorney representing the state or by any other credible  
11-36 person. (Code Crim. Proc., Art. 20.09.)  
11-37 Art. 20A.052. DUTIES AND POWERS OF FOREPERSON. (a) The  
11-38 foreperson shall:  
11-39 (1) preside over the grand jury's sessions; and  
11-40 (2) conduct the grand jury's business and proceedings  
11-41 in an orderly manner.  
11-42 (b) The foreperson may appoint one or more of the grand  
11-43 jurors to act as clerks for the grand jury. (Code Crim. Proc., Art.  
11-44 20.07.)  
11-45 Art. 20A.053. MEETING AND ADJOURNMENT. The grand jury  
11-46 shall meet and adjourn at times agreed on by a majority of the grand  
11-47 jury, except that the grand jury may not adjourn for more than three  
11-48 consecutive days unless the court consents to the adjournment.  
11-49 With the court's consent, the grand jury may adjourn for a longer  
11-50 period and shall conform the grand jury's adjournments as closely  
11-51 as possible to the court's adjournments. (Code Crim. Proc., Art.  
11-52 20.08.)  
11-53 SUBCHAPTER C. GRAND JURY ROOM; PERSONS AUTHORIZED TO BE PRESENT  
11-54 Art. 20A.101. GRAND JURY ROOM. After the grand jury is  
11-55 organized, the grand jury shall discharge the grand jury's duties  
11-56 in a suitable place that the sheriff shall prepare for the grand  
11-57 jury's sessions. (Code Crim. Proc., Art. 20.01.)  
11-58 Art. 20A.102. PERSONS WHO MAY BE PRESENT IN GRAND JURY ROOM.  
11-59 (a) While the grand jury is conducting proceedings, only the  
11-60 following persons may be present in the grand jury room:  
11-61 (1) a grand juror;  
11-62 (2) a bailiff;  
11-63 (3) the attorney representing the state;  
11-64 (4) a witness:  
11-65 (A) while the witness is being examined; or  
11-66 (B) when the witness's presence is necessary to  
11-67 assist the attorney representing the state in examining another  
11-68 witness or presenting evidence to the grand jury;  
11-69 (5) an interpreter, if necessary;

12-1 (6) a stenographer or a person operating an electronic  
12-2 recording device, as provided by Article 20A.201; and

12-3 (7) a person operating a video teleconferencing system  
12-4 for use under Article 20A.259.

12-5 (b) While the grand jury is deliberating, only a grand juror  
12-6 may be present in the grand jury room. (Code Crim. Proc., Art.  
12-7 20.011.)

12-8 Art. 20A.103. ATTORNEY REPRESENTING STATE ENTITLED TO  
12-9 APPEAR. The attorney representing the state is entitled to appear  
12-10 before the grand jury and inform the grand jury of offenses subject  
12-11 to indictment at any time except when the grand jury is discussing  
12-12 the propriety of finding an indictment or is voting on an  
12-13 indictment. (Code Crim. Proc., Art. 20.03 (part).)

12-14 Art. 20A.104. PERSONS WHO MAY ADDRESS GRAND JURY. No person  
12-15 may address the grand jury about a matter before the grand jury  
12-16 other than the attorney representing the state, a witness, or the  
12-17 accused or suspected person or the attorney for the accused or  
12-18 suspected person if approved by the attorney representing the  
12-19 state. (Code Crim. Proc., Art. 20.04 (part).)

12-20 SUBCHAPTER D. ADVICE TO GRAND JURY

12-21 Art. 20A.151. ADVICE FROM ATTORNEY REPRESENTING STATE. The  
12-22 grand jury may send for the attorney representing the state and ask  
12-23 the attorney's advice on any matter of law or on any question  
12-24 regarding the discharge of the grand jury's duties. (Code Crim.  
12-25 Proc., Art. 20.05.)

12-26 Art. 20A.152. ADVICE FROM COURT. (a) The grand jury may  
12-27 seek and receive advice from the court regarding any matter before  
12-28 the grand jury. For that purpose, the grand jury shall go into  
12-29 court in a body.

12-30 (b) The grand jury shall ensure that the manner in which the  
12-31 grand jury's questions are asked does not divulge the particular  
12-32 accusation pending before the grand jury.

12-33 (c) The grand jury may submit questions to the court in  
12-34 writing. The court may respond to those questions in writing. (Code  
12-35 Crim. Proc., Art. 20.06.)

12-36 SUBCHAPTER E. RECORDING AND DISCLOSURE OF GRAND JURY PROCEEDINGS

12-37 Art. 20A.201. RECORDING OF ACCUSED OR SUSPECTED PERSON'S  
12-38 TESTIMONY; RETENTION OF RECORDS. (a) The examination of an accused  
12-39 or suspected person before the grand jury and that person's  
12-40 testimony shall be recorded by a stenographer or by use of an  
12-41 electronic device capable of recording sound.

12-42 (b) The validity of a grand jury proceeding is not affected  
12-43 by an unintentional failure to record all or part of the examination  
12-44 or testimony under Subsection (a).

12-45 (c) The attorney representing the state shall maintain  
12-46 possession of all records other than stenographer's notes made  
12-47 under Subsection (a) and any typewritten transcription of those  
12-48 records, except as otherwise provided by this subchapter. (Code  
12-49 Crim. Proc., Art. 20.012.)

12-50 Art. 20A.202. PROCEEDINGS SECRET. (a) Grand jury  
12-51 proceedings are secret.

12-52 (b) A subpoena or summons relating to a grand jury  
12-53 proceeding or investigation must be kept secret to the extent and  
12-54 for as long as necessary to prevent the unauthorized disclosure of a  
12-55 matter before the grand jury. This subsection may not be construed  
12-56 to limit a disclosure permitted by Article 20A.204(b), (c), or (d)  
12-57 or 20A.205(a) or (b). (Code Crim. Proc., Arts. 20.02(a), (h).)

12-58 Art. 20A.203. DISCLOSURE BY PERSON IN PROCEEDING  
12-59 PROHIBITED. (a) A grand juror, bailiff, interpreter, stenographer  
12-60 or person operating an electronic recording device, person  
12-61 preparing a typewritten transcription of a stenographic or  
12-62 electronic recording, or person operating a video teleconferencing  
12-63 system for use under Article 20A.259 who discloses anything  
12-64 transpiring before the grand jury in the course of the grand jury's  
12-65 official duties, regardless of whether the thing transpiring is  
12-66 recorded, may be punished by a fine not to exceed \$500, as for  
12-67 contempt of court, by a term of confinement not to exceed 30 days,  
12-68 or both.

12-69 (b) A witness who reveals any matter about which the witness

13-1 is examined or that the witness observes during a grand jury  
 13-2 proceeding, other than when the witness is required to give  
 13-3 evidence on that matter in due course, may be punished by a fine not  
 13-4 to exceed \$500, as for contempt of court, and by a term of  
 13-5 confinement not to exceed six months. (Code Crim. Proc., Arts.  
 13-6 20.02(b), 20.16(b).)

13-7 Art. 20A.204. DISCLOSURE BY ATTORNEY REPRESENTING STATE.

13-8 (a) The attorney representing the state may not disclose anything  
 13-9 transpiring before the grand jury except as permitted by this  
 13-10 article or Article 20A.205(a) or (b).

13-11 (b) In performing the attorney's duties, the attorney  
 13-12 representing the state may disclose or permit a disclosure of a  
 13-13 record made under Article 20A.201 or a typewritten transcription of  
 13-14 that record, or may make or permit a disclosure otherwise  
 13-15 prohibited by Article 20A.203, to a grand juror serving on the grand  
 13-16 jury before which the record was made, another grand jury, a law  
 13-17 enforcement agency, or a prosecuting attorney, as the attorney  
 13-18 representing the state determines is necessary to assist the  
 13-19 attorney in the performance of the attorney's duties.

13-20 (c) The attorney representing the state shall warn any  
 13-21 person authorized to receive information under Subsection (b) of  
 13-22 the person's duty to maintain the secrecy of the information.

13-23 (d) A person who receives information under Subsection (b)  
 13-24 and discloses that information for purposes other than those  
 13-25 permitted by that subsection may be punished for contempt in the  
 13-26 same manner as a person who violates Article 20A.203(a). (Code  
 13-27 Crim. Proc., Arts. 20.02(c), (g).)

13-28 Art. 20A.205. PETITION FOR DISCLOSURE BY DEFENDANT. (a)

13-29 The defendant may petition a court to order the disclosure of  
 13-30 information made secret by Article 20A.202, 20A.203(a), or 20A.204,  
 13-31 including a recording or typewritten transcription under Article  
 13-32 20A.201, as a matter preliminary to or in connection with a judicial  
 13-33 proceeding. The court may order disclosure of the information if  
 13-34 the defendant shows a particularized need.

13-35 (b) A petition for disclosure under Subsection (a) must be  
 13-36 filed in the district court in which the case is pending. The  
 13-37 defendant must also file a copy of the petition with the attorney  
 13-38 representing the state, the parties to the judicial proceeding, and  
 13-39 any other person the court requires. Each person who receives a  
 13-40 copy of the petition under this subsection is entitled to appear  
 13-41 before the court. The court shall provide interested parties with  
 13-42 an opportunity to appear and present arguments for or against the  
 13-43 requested disclosure.

13-44 (c) A person who receives information under this article and  
 13-45 discloses that information may be punished for contempt in the same  
 13-46 manner as a person who violates Article 20A.203(a). (Code  
 13-47 Crim. Proc., Arts. 20.02(d), (e), (f).)

13-48 SUBCHAPTER F. WITNESSES

13-49 Art. 20A.251. IN-COUNTY WITNESS. (a)

13-50 In term time or vacation, the foreperson or the attorney representing the state may  
 13-51 issue a summons or attachment for any witness in the county in which  
 13-52 the grand jury sits.

13-53 (b) A summons or attachment issued under Subsection (a) may  
 13-54 require the witness to appear before the grand jury at a specified  
 13-55 time, or immediately, without stating the matter under  
 13-56 investigation. (Code Crim. Proc., Art. 20.10.)

13-57 Art. 20A.252. OUT-OF-COUNTY WITNESS. (a)

13-58 The foreperson or the attorney representing the state may cause a subpoena or  
 13-59 attachment for a witness to be issued to any county in the state by  
 13-60 submitting a written application to the district court stating the  
 13-61 name and residence of the witness and that the witness's testimony  
 13-62 is believed to be material.

13-63 (b) A subpoena or attachment issued under this article:

13-64 (1) is returnable to the grand jury in session or to  
 13-65 the next grand jury for the county in which the subpoena or  
 13-66 attachment was issued, as determined by the applicant; and

13-67 (2) shall be served and returned in the manner  
 13-68 prescribed by Chapter 24.

13-69 (c) A subpoena issued under this article may require the

14-1 witness to appear and produce records and documents.

14-2 (d) A witness subpoenaed under this article shall be  
14-3 compensated as provided by this code.

14-4 (e) An attachment issued under this article must command the  
14-5 sheriff or any constable of the county in which the witness resides  
14-6 to serve the witness and to bring the witness before the grand jury  
14-7 at a time and place specified in the attachment.

14-8 (f) The attorney representing the state may cause an  
14-9 attachment to be issued under this article in term time or vacation.  
14-10 (Code Crim. Proc., Arts. 20.11, 20.12.)

14-11 Art. 20A.253. EXECUTION OF PROCESS. (a) A bailiff or other  
14-12 officer who receives process to be served from the grand jury shall  
14-13 immediately execute the process and return the process to:

14-14 (1) the foreperson, if the grand jury is in session; or  
14-15 (2) the district clerk, if the grand jury is not in  
14-16 session.

14-17 (b) If the process is returned unexecuted, the return must  
14-18 state why the process was not executed. (Code Crim. Proc.,  
14-19 Art. 20.13.)

14-20 Art. 20A.254. EVASION OF PROCESS. If the court determines  
14-21 that a witness for whom an attachment has been issued to appear  
14-22 before the grand jury is in any manner wilfully evading the service  
14-23 of the summons or attachment, the court may fine the witness, as for  
14-24 contempt, in an amount not to exceed \$500. (Code Crim. Proc.,  
14-25 Art. 20.14.)

14-26 Art. 20A.255. WITNESS REFUSAL TO TESTIFY. (a) If a witness  
14-27 brought in any manner before a grand jury refuses to testify, the  
14-28 witness's refusal shall be communicated to the attorney  
14-29 representing the state or to the court.

14-30 (b) The court may compel a witness described by Subsection  
14-31 (a) to answer a proper question by imposing a fine not to exceed  
14-32 \$500 and by committing the witness to jail until the witness is  
14-33 willing to testify. (Code Crim. Proc., Art. 20.15.)

14-34 Art. 20A.256. WITNESS OATH. Before each witness is  
14-35 examined, the foreperson or a person under the foreperson's  
14-36 direction shall administer the following oath to the witness: "You  
14-37 solemnly swear that you will not reveal, by your words or conduct,  
14-38 and will keep secret any matter about which you may be examined or  
14-39 that you have observed during the proceedings of the grand jury, and  
14-40 that you will answer truthfully the questions asked of you by the  
14-41 grand jury, or under its direction, so help you God." (Code Crim.  
14-42 Proc., Art. 20.16(a).)

14-43 Art. 20A.257. EXAMINATION OF WITNESSES. (a) Only a grand  
14-44 juror or the attorney representing the state may examine a witness  
14-45 before the grand jury.

14-46 (b) The attorney representing the state shall advise the  
14-47 grand jury regarding the proper mode of examining a witness.

14-48 (c) If a felony has been committed in any county in the grand  
14-49 jury's jurisdiction, and the name of the offender is known or  
14-50 unknown or if it is uncertain when or how the felony was committed,  
14-51 the grand jury shall first state the subject matter under  
14-52 investigation to a witness called before the grand jury and may then  
14-53 ask questions relevant to the transaction in general terms and in a  
14-54 manner that enables a determination as to whether the witness has  
14-55 knowledge of the violation of any particular law by any person, and  
14-56 if so, by what person. (Code Crim. Proc., Arts. 20.04 (part),  
14-57 20.18.)

14-58 Art. 20A.258. EXAMINATION OF ACCUSED OR SUSPECTED PERSON.  
14-59 (a) Before the examination of an accused or suspected person who is  
14-60 subpoenaed to appear before the grand jury, the person shall be:

14-61 (1) provided the warnings described by Subsection (b)  
14-62 orally and in writing; and

14-63 (2) given a reasonable opportunity to:

14-64 (A) retain counsel or apply to the court for an  
14-65 appointed attorney; and

14-66 (B) consult with counsel before appearing before  
14-67 the grand jury.

14-68 (b) The warnings required under Subsection (a)(1) must  
14-69 consist of the following:

15-1 "Your testimony before this grand jury is under oath. Any  
 15-2 material question that is answered falsely before this grand jury  
 15-3 subjects you to being prosecuted for aggravated perjury. You have  
 15-4 the right to refuse to make answers to any question, the answer to  
 15-5 which would incriminate you in any manner. You have the right to  
 15-6 have a lawyer present outside this chamber to advise you before  
 15-7 making answers to questions you feel might incriminate you. Any  
 15-8 testimony you give may be used against you at any subsequent  
 15-9 proceeding. If you are unable to employ a lawyer, you have the  
 15-10 right to have a lawyer appointed to advise you before making an  
 15-11 answer to a question, the answer to which you feel might incriminate  
 15-12 you."

15-13 (c) In examining an accused or suspected person, the grand  
 15-14 jury shall:

15-15 (1) first state:

15-16 (A) the offense of which the person is accused or  
 15-17 suspected;

15-18 (B) the county in which the offense is alleged to  
 15-19 have been committed; and

15-20 (C) as closely as possible, the time the offense  
 15-21 was committed; and

15-22 (2) direct the examination to the offense under  
 15-23 investigation. (Code Crim. Proc., Art. 20.17.)

15-24 Art. 20A.259. PEACE OFFICER TESTIMONY BY VIDEO

15-25 TELECONFERENCING. (a) With the consent of the foreperson and the  
 15-26 attorney representing the state, a peace officer summoned to  
 15-27 testify before the grand jury may testify through the use of a  
 15-28 closed circuit video teleconferencing system that provides a  
 15-29 simultaneous, encrypted, compressed full motion video and  
 15-30 interactive communication of image and sound between the officer,  
 15-31 the grand jury, and the attorney representing the state.

15-32 (b) In addition to being administered the oath required  
 15-33 under Article 20A.256, before being examined, a peace officer  
 15-34 testifying through the use of a closed circuit video  
 15-35 teleconferencing system under this article shall affirm that the  
 15-36 officer's testimony:

15-37 (1) cannot be heard by any person other than a person  
 15-38 in the grand jury room; and

15-39 (2) is not being recorded or otherwise preserved by  
 15-40 any person at the location from which the officer is testifying.

15-41 (c) Testimony received from a peace officer under this  
 15-42 article shall be recorded in the same manner as other testimony  
 15-43 taken before the grand jury and shall be preserved. (Code Crim.  
 15-44 Proc., Art. 20.151.)

15-45 SUBCHAPTER G. INDICTMENT

15-46 Art. 20A.301. VOTING ON INDICTMENT. After all the  
 15-47 testimony accessible to the grand jury has been given with respect  
 15-48 to any criminal accusation, the grand jury shall vote on the  
 15-49 presentment of an indictment. If at least nine grand jurors concur  
 15-50 in finding the bill, the foreperson shall make a memorandum of the  
 15-51 vote with any information enabling the attorney representing the  
 15-52 state to prepare the indictment. (Code Crim. Proc., Art. 20.19.)

15-53 Art. 20A.302. PREPARATION OF INDICTMENT. (a) The attorney  
 15-54 representing the state shall prepare, with as little delay as  
 15-55 possible, each indictment found by the grand jury and shall deliver  
 15-56 the indictment to the foreperson. The attorney shall endorse on the  
 15-57 indictment the name of each witness on whose testimony the  
 15-58 indictment was found.

15-59 (b) The foreperson shall officially sign each indictment  
 15-60 prepared and delivered under Subsection (a). (Code Crim. Proc.,  
 15-61 Art. 20.20.)

15-62 Art. 20A.303. PRESENTMENT OF INDICTMENT. When an  
 15-63 indictment is ready to be presented, the grand jury shall, through  
 15-64 the foreperson, deliver the indictment to the judge or court clerk.  
 15-65 At least nine grand jurors must be present to deliver the  
 15-66 indictment. (Code Crim. Proc., Art. 20.21.)

15-67 Art. 20A.304. PRESENTMENT OF INDICTMENT ENTERED IN RECORD.

15-68 (a) If the defendant is in custody or under bond at the time the  
 15-69 indictment is presented, the fact of the presentment shall be

16-1 entered in the court's record, noting briefly the style of the  
16-2 criminal action, the file number of the indictment, and the  
16-3 defendant's name.

16-4 (b) If the defendant is not in custody or under bond at the  
16-5 time the indictment is presented, the indictment may not be made  
16-6 public and the entry in the court's record relating to the  
16-7 indictment must be delayed until the *capias* is served and the  
16-8 defendant is placed in custody or under bond. (Code Crim. Proc.,  
16-9 Art. 20.22.)

16-10 SECTION 1.05. Title 1, Code of Criminal Procedure, is  
16-11 amended by adding Chapter 56A to read as follows:

16-12 CHAPTER 56A. RIGHTS OF CRIME VICTIMS  
16-13 SUBCHAPTER A. GENERAL PROVISIONS  
16-14 Art. 56A.001. DEFINITIONS  
16-15 SUBCHAPTER B. CRIME VICTIMS' RIGHTS  
16-16 Art. 56A.051. GENERAL RIGHTS  
16-17 Art. 56A.052. ADDITIONAL RIGHTS OF VICTIMS OF SEXUAL  
16-18 ASSAULT, STALKING, OR TRAFFICKING  
16-19 Art. 56A.053. FAILURE TO PROVIDE RIGHT OR SERVICE  
16-20 Art. 56A.054. STANDING  
16-21 SUBCHAPTER C. ADDITIONAL PROTECTIONS FOR VICTIMS AND WITNESSES  
16-22 Art. 56A.101. VICTIM PRIVACY  
16-23 Art. 56A.102. VICTIM OR WITNESS DISCOVERY ATTENDANCE  
16-24 SUBCHAPTER D. VICTIM IMPACT STATEMENT  
16-25 Art. 56A.151. VICTIM IMPACT STATEMENT; INFORMATION  
16-26 BOOKLET  
16-27 Art. 56A.152. RECOMMENDATIONS TO ENSURE SUBMISSION OF  
16-28 STATEMENT  
16-29 Art. 56A.153. NOTIFICATION TO COURT REGARDING RELEASE  
16-30 OF DEFENDANT WITH ACCESS TO CHILD  
16-31 VICTIM  
16-32 Art. 56A.154. CHANGE OF ADDRESS  
16-33 Art. 56A.155. DISCOVERY OF STATEMENT  
16-34 Art. 56A.156. INSPECTION OF STATEMENT BY COURT;  
16-35 DISCLOSURE OF CONTENTS  
16-36 Art. 56A.157. CONSIDERATION OF STATEMENT BY COURT  
16-37 Art. 56A.158. DEFENDANT RESPONSE TO STATEMENT  
16-38 Art. 56A.159. TRANSFER OF STATEMENT AFTER SENTENCING  
16-39 Art. 56A.160. SURVEY PLAN REGARDING STATEMENTS  
16-40 SUBCHAPTER E. VICTIM ASSISTANCE COORDINATOR; CRIME VICTIM LIAISON  
16-41 Art. 56A.201. DESIGNATION OF VICTIM ASSISTANCE  
16-42 COORDINATOR  
16-43 Art. 56A.202. DUTIES OF VICTIM ASSISTANCE COORDINATOR  
16-44 Art. 56A.203. DESIGNATION OF CRIME VICTIM LIAISON  
16-45 Art. 56A.204. DUTIES OF CRIME VICTIM LIAISON  
16-46 Art. 56A.205. PSYCHOLOGICAL COUNSELING FOR CERTAIN  
16-47 JURORS  
16-48 SUBCHAPTER F. FORENSIC MEDICAL EXAMINATION OF SEXUAL ASSAULT  
16-49 VICTIM REPORTING ASSAULT  
16-50 Art. 56A.251. REQUEST FOR FORENSIC MEDICAL EXAMINATION  
16-51 Art. 56A.252. PAYMENT OF COSTS OF EXAMINATION  
16-52 Art. 56A.253. PAYMENT OF COSTS RELATED TO TESTIMONY  
16-53 Art. 56A.254. PAYMENT OF COSTS FOR CERTAIN MEDICAL  
16-54 CARE  
16-55 Art. 56A.255. PAYMENT OF COSTS OF TREATMENT NOT  
16-56 REQUIRED  
16-57 SUBCHAPTER G. FORENSIC MEDICAL EXAMINATION OF SEXUAL ASSAULT  
16-58 VICTIM NOT REPORTING ASSAULT  
16-59 Art. 56A.301. DEFINITIONS  
16-60 Art. 56A.302. APPLICABILITY  
16-61 Art. 56A.303. FORENSIC MEDICAL EXAMINATION  
16-62 Art. 56A.304. PAYMENT OF FEES RELATED TO EXAMINATION  
16-63 Art. 56A.305. PAYMENT OF COSTS FOR CERTAIN MEDICAL  
16-64 CARE  
16-65 Art. 56A.306. PROCEDURES FOR TRANSFER AND PRESERVATION  
16-66 OF EVIDENCE  
16-67 Art. 56A.307. PROCEDURES FOR SUBMISSION OR COLLECTION  
16-68 OF ADDITIONAL EVIDENCE  
16-69 Art. 56A.308. CONFIDENTIALITY OF CERTAIN RECORDS

- 17-1 Art. 56A.309. RULES
- 17-2 SUBCHAPTER H. PRESENCE OF ADVOCATE OR REPRESENTATIVE DURING
- 17-3 FORENSIC MEDICAL EXAMINATION
- 17-4 Art. 56A.351. PRESENCE OF SEXUAL ASSAULT PROGRAM
- 17-5 ADVOCATE
- 17-6 Art. 56A.352. REPRESENTATIVE PROVIDED BY PENAL
- 17-7 INSTITUTION
- 17-8 SUBCHAPTER I. REQUIRED NOTIFICATIONS BY LAW ENFORCEMENT AGENCY
- 17-9 Art. 56A.401. NOTIFICATION OF RIGHTS
- 17-10 Art. 56A.402. REFERRAL TO SEXUAL ASSAULT PROGRAM
- 17-11 SUBCHAPTER J. REQUIRED NOTIFICATIONS BY ATTORNEY REPRESENTING THE
- 17-12 STATE
- 17-13 Art. 56A.451. NOTIFICATION OF RIGHTS
- 17-14 Art. 56A.452. NOTIFICATION OF SCHEDULED COURT
- 17-15 PROCEEDINGS
- 17-16 Art. 56A.453. NOTIFICATION OF PLEA BARGAIN AGREEMENT
- 17-17 Art. 56A.454. VICTIM CONTACT INFORMATION
- 17-18 SUBCHAPTER K. NOTIFICATION BY CERTAIN ENTITIES OF RELEASE OR
- 17-19 ESCAPE
- 17-20 Art. 56A.501. DEFINITIONS
- 17-21 Art. 56A.502. APPLICABILITY
- 17-22 Art. 56A.503. NOTIFICATION OF RELEASE OR ESCAPE
- 17-23 Art. 56A.504. NOTIFICATION REGARDING DEFENDANT SUBJECT
- 17-24 TO ELECTRONIC MONITORING
- 17-25 Art. 56A.505. NOTIFICATION OF RIGHT TO NOTICE
- 17-26 Art. 56A.506. VICTIM OR WITNESS CONTACT INFORMATION;
- 17-27 CONFIDENTIALITY
- 17-28 Art. 56A.507. TIME FOR NOTICE
- 17-29 SUBCHAPTER L. NOTIFICATION BY DEPARTMENT OF ESCAPE OR TRANSFER
- 17-30 Art. 56A.551. DEFINITION
- 17-31 Art. 56A.552. NOTIFICATION OF VICTIM
- 17-32 Art. 56A.553. NOTIFICATION OF WITNESS
- 17-33 Art. 56A.554. REQUEST FOR NOTIFICATION; CHANGE OF
- 17-34 ADDRESS
- 17-35 Art. 56A.555. NOTICE OF TRANSFER FROM OR RETURN TO
- 17-36 CUSTODY
- 17-37 SUBCHAPTER M. OTHER POWERS AND DUTIES OF DEPARTMENT AND
- 17-38 CLEARINGHOUSE
- 17-39 Art. 56A.601. DATABASE FOR DEFENDANT RELEASE
- 17-40 INFORMATION
- 17-41 Art. 56A.602. VICTIM-OFFENDER MEDIATION
- 17-42 Art. 56A.603. CLEARINGHOUSE ANNUAL CONFERENCE
- 17-43 Art. 56A.604. CRIME VICTIM ASSISTANCE STANDARDS
- 17-44 CHAPTER 56A. RIGHTS OF CRIME VICTIMS
- 17-45 SUBCHAPTER A. GENERAL PROVISIONS
- 17-46 Art. 56A.001. DEFINITIONS. Except as otherwise provided by
- 17-47 this chapter, in this chapter:
- 17-48 (1) "Board" means the Board of Pardons and Paroles.
- 17-49 (2) "Clearinghouse" means the Texas Crime Victim
- 17-50 Clearinghouse.
- 17-51 (3) "Close relative of a deceased victim" means a
- 17-52 person who:
- 17-53 (A) was the spouse of a deceased victim at the
- 17-54 time of the victim's death; or
- 17-55 (B) is a parent or adult brother, sister, or
- 17-56 child of a deceased victim.
- 17-57 (4) "Department" means the Texas Department of
- 17-58 Criminal Justice.
- 17-59 (5) "Guardian of a victim" means a person who is the
- 17-60 legal guardian of the victim, regardless of whether the legal
- 17-61 relationship between the guardian and victim exists because of the
- 17-62 age of the victim or the physical or mental incompetency of the
- 17-63 victim.
- 17-64 (6) "Sexual assault" means an offense under the
- 17-65 following provisions of the Penal Code:
- 17-66 (A) Section 21.02;
- 17-67 (B) Section 21.11(a)(1);
- 17-68 (C) Section 22.011; or
- 17-69 (D) Section 22.021.

18-1 (7) "Victim" means a person who:

18-2 (A) is the victim of the offense of:

18-3 (i) sexual assault;

18-4 (ii) kidnapping;

18-5 (iii) aggravated robbery;

18-6 (iv) trafficking of persons; or

18-7 (v) injury to a child, elderly individual,

18-8 or disabled individual; or

18-9 (B) has suffered personal injury or death as a  
18-10 result of the criminal conduct of another. (Code Crim. Proc., Art.  
18-11 56.01; New.)

18-12 SUBCHAPTER B. CRIME VICTIMS' RIGHTS

18-13 Art. 56A.051. GENERAL RIGHTS. (a) A victim, guardian of a  
18-14 victim, or close relative of a deceased victim is entitled to the  
18-15 following rights within the criminal justice system:

18-16 (1) the right to receive from a law enforcement agency  
18-17 adequate protection from harm and threats of harm arising from  
18-18 cooperation with prosecution efforts;

18-19 (2) the right to have the magistrate consider the  
18-20 safety of the victim or the victim's family in setting the amount of  
18-21 bail for the defendant;

18-22 (3) if requested, the right to be informed:

18-23 (A) by the attorney representing the state of  
18-24 relevant court proceedings, including appellate proceedings, and  
18-25 to be informed if those proceedings have been canceled or  
18-26 rescheduled before the event; and

18-27 (B) by an appellate court of the court's  
18-28 decisions, after the decisions are entered but before the decisions  
18-29 are made public;

18-30 (4) when requested, the right to be informed:

18-31 (A) by a peace officer concerning the defendant's  
18-32 right to bail and the procedures in criminal investigations; and

18-33 (B) by the office of the attorney representing  
18-34 the state concerning the general procedures in the criminal justice  
18-35 system, including general procedures in guilty plea negotiations  
18-36 and arrangements, restitution, and the appeals and parole process;

18-37 (5) the right to provide pertinent information to a  
18-38 community supervision and corrections department conducting a  
18-39 presentencing investigation concerning the impact of the offense on  
18-40 the victim and the victim's family by testimony, written statement,  
18-41 or any other manner before any sentencing of the defendant;

18-42 (6) the right to receive information regarding  
18-43 compensation to victims of crime as provided by Chapter 56B,  
18-44 including information related to the costs that may be compensated  
18-45 under that chapter and the amount of compensation, eligibility for  
18-46 compensation, and procedures for application for compensation  
18-47 under that chapter, the payment for a forensic medical examination  
18-48 under Article 56A.252 for a victim of an alleged sexual assault, and  
18-49 when requested, to referral to available social service agencies  
18-50 that may offer additional assistance;

18-51 (7) the right to:

18-52 (A) be informed, on request, of parole  
18-53 procedures;

18-54 (B) participate in the parole process;

18-55 (C) provide to the board for inclusion in the  
18-56 defendant's file information to be considered by the board before  
18-57 the parole of any defendant convicted of any offense subject to this  
18-58 chapter; and

18-59 (D) be notified, if requested, of parole  
18-60 proceedings concerning a defendant in the victim's case and of the  
18-61 defendant's release;

18-62 (8) the right to be provided with a waiting area,  
18-63 separate or secure from other witnesses, including the defendant  
18-64 and relatives of the defendant, before testifying in any proceeding  
18-65 concerning the defendant; if a separate waiting area is not  
18-66 available, other safeguards should be taken to minimize the  
18-67 victim's contact with the defendant and the defendant's relatives  
18-68 and witnesses, before and during court proceedings;

18-69 (9) the right to the prompt return of any of the

19-1 victim's property that is held by a law enforcement agency or the  
 19-2 attorney representing the state as evidence when the property is no  
 19-3 longer required for that purpose;

19-4 (10) the right to have the attorney representing the  
 19-5 state notify the victim's employer, if requested, that the victim's  
 19-6 cooperation and testimony is necessary in a proceeding that may  
 19-7 require the victim to be absent from work for good cause;

19-8 (11) the right to request victim-offender mediation  
 19-9 coordinated by the victim services division of the department;

19-10 (12) the right to be informed of the uses of a victim  
 19-11 impact statement and the statement's purpose in the criminal  
 19-12 justice system as described by Subchapter D, to complete the victim  
 19-13 impact statement, and to have the victim impact statement  
 19-14 considered:

19-15 (A) by the attorney representing the state and  
 19-16 the judge before sentencing or before a plea bargain agreement is  
 19-17 accepted; and

19-18 (B) by the board before a defendant is released  
 19-19 on parole;

19-20 (13) for a victim of an assault or sexual assault who  
 19-21 is younger than 17 years of age or whose case involves family  
 19-22 violence, as defined by Section 71.004, Family Code, the right to  
 19-23 have the court consider the impact on the victim of a continuance  
 19-24 requested by the defendant; if requested by the attorney  
 19-25 representing the state or by the defendant's attorney, the court  
 19-26 shall state on the record the reason for granting or denying the  
 19-27 continuance; and

19-28 (14) if the offense is a capital felony, the right to:

19-29 (A) receive by mail from the court a written  
 19-30 explanation of defense-initiated victim outreach if the court has  
 19-31 authorized expenditures for a defense-initiated victim outreach  
 19-32 specialist;

19-33 (B) not be contacted by the victim outreach  
 19-34 specialist unless the victim, guardian, or relative has consented  
 19-35 to the contact by providing a written notice to the court; and

19-36 (C) designate a victim service provider to  
 19-37 receive all communications from a victim outreach specialist acting  
 19-38 on behalf of any person.

19-39 (b) A victim, guardian of a victim, or close relative of a  
 19-40 deceased victim is entitled to the right to be present at all public  
 19-41 court proceedings related to the offense, subject to the approval  
 19-42 of the judge in the case.

19-43 (c) The office of the attorney representing the state and  
 19-44 the sheriff, police, and other law enforcement agencies shall  
 19-45 ensure to the extent practicable that a victim, guardian of a  
 19-46 victim, or close relative of a deceased victim is provided the  
 19-47 rights granted by this subchapter and, on request, an explanation  
 19-48 of those rights. (Code Crim. Proc., Arts. 56.02(a), (b), (c).)

19-49 Art. 56A.052. ADDITIONAL RIGHTS OF VICTIMS OF SEXUAL  
 19-50 ASSAULT, STALKING, OR TRAFFICKING. (a) If the offense is a sexual  
 19-51 assault, a victim, guardian of a victim, or close relative of a  
 19-52 deceased victim is entitled to the following rights within the  
 19-53 criminal justice system:

19-54 (1) if requested, the right to a disclosure of  
 19-55 information regarding:

19-56 (A) any evidence that was collected during the  
 19-57 investigation of the offense, unless disclosing the information  
 19-58 would interfere with the investigation or prosecution of the  
 19-59 offense, in which event the victim, guardian, or relative shall be  
 19-60 informed of the estimated date on which that information is  
 19-61 expected to be disclosed; and

19-62 (B) the status of any analysis being performed of  
 19-63 any evidence described by Paragraph (A);

19-64 (2) if requested, the right to be notified:

19-65 (A) at the time a request is submitted to a crime  
 19-66 laboratory to process and analyze any evidence that was collected  
 19-67 during the investigation of the offense;

19-68 (B) at the time of the submission of a request to  
 19-69 compare any biological evidence collected during the investigation

20-1 of the offense with DNA profiles maintained in a state or federal  
20-2 DNA database; and

20-3 (C) of the results of the comparison described by  
20-4 Paragraph (B), unless disclosing the results would interfere with  
20-5 the investigation or prosecution of the offense, in which event the  
20-6 victim, guardian, or relative shall be informed of the estimated  
20-7 date on which those results are expected to be disclosed;

20-8 (3) if requested, the right to counseling regarding  
20-9 acquired immune deficiency syndrome (AIDS) and human  
20-10 immunodeficiency virus (HIV) infection; and

20-11 (4) for the victim, the right to:

20-12 (A) testing for acquired immune deficiency  
20-13 syndrome (AIDS), human immunodeficiency virus (HIV) infection,  
20-14 antibodies to HIV, or infection with any other probable causative  
20-15 agent of AIDS; and

20-16 (B) a forensic medical examination to the extent  
20-17 provided by Subchapters F and G if, within 96 hours of the offense:

20-18 (i) the offense is reported to a law  
20-19 enforcement agency; or

20-20 (ii) a forensic medical examination is  
20-21 otherwise conducted at a health care facility.

20-22 (b) A victim, guardian of a victim, or close relative of a  
20-23 deceased victim who requests to be notified under Subsection (a)(2)  
20-24 must provide a current address and phone number to the attorney  
20-25 representing the state and the law enforcement agency that is  
20-26 investigating the offense. The victim, guardian, or relative must  
20-27 inform the attorney representing the state and the law enforcement  
20-28 agency of any change in the address or phone number.

20-29 (c) A victim, guardian of a victim, or close relative of a  
20-30 deceased victim may designate a person, including an entity that  
20-31 provides services to victims of sexual assault, to receive any  
20-32 notice requested under Subsection (a)(2).

20-33 (d) This subsection applies only to a victim of an offense  
20-34 under Section [20A.02](#), [20A.03](#), [21.02](#), [21.11](#), [22.011](#), [22.021](#), [42.072](#),  
20-35 or [43.05](#), Penal Code. A victim described by this subsection or a  
20-36 parent or guardian of the victim is entitled to the following rights  
20-37 within the criminal justice system:

20-38 (1) the right to be informed:

20-39 (A) that the victim or the victim's parent or  
20-40 guardian, as applicable, may file an application for a protective  
20-41 order under Article 7B.001;

20-42 (B) of the court in which the application for a  
20-43 protective order may be filed; and

20-44 (C) that, on request of the victim or of the  
20-45 victim's parent or guardian, as applicable, and subject to the  
20-46 Texas Disciplinary Rules of Professional Conduct, the attorney  
20-47 representing the state may file the application for a protective  
20-48 order on behalf of the victim;

20-49 (2) the right to request that the attorney  
20-50 representing the state, subject to the Texas Disciplinary Rules of  
20-51 Professional Conduct, file an application for a protective order  
20-52 described by Subdivision (1);

20-53 (3) if the victim or the victim's parent or guardian,  
20-54 as applicable, is present when the defendant is convicted or placed  
20-55 on deferred adjudication community supervision, the right to:

20-56 (A) be given by the court the information  
20-57 described by Subdivision (1); and

20-58 (B) file an application for a protective order  
20-59 under Article 7B.001 immediately following the defendant's  
20-60 conviction or placement on deferred adjudication community  
20-61 supervision if the court has jurisdiction over the application; and

20-62 (4) if the victim or the victim's parent or guardian,  
20-63 as applicable, is not present when the defendant is convicted or  
20-64 placed on deferred adjudication community supervision, the right to  
20-65 be given by the attorney representing the state the information  
20-66 described by Subdivision (1). (Code Crim. Proc., Art. 56.021.)

20-67 Art. 56A.053. FAILURE TO PROVIDE RIGHT OR SERVICE. (a) A  
20-68 judge, attorney representing the state, peace officer, or law  
20-69 enforcement agency is not liable for a failure or inability to

21-1 provide a right granted by this subchapter.

21-2 (b) The failure or inability of any person to provide a  
21-3 right or service granted by this subchapter may not be used by a  
21-4 defendant in a criminal case as a ground for appeal, a ground to set  
21-5 aside the conviction or sentence, or a ground in a habeas corpus  
21-6 petition. (Code Crim. Proc., Art. 56.02(d) (part).)

21-7 Art. 56A.054. STANDING. A victim, guardian of a victim, or  
21-8 close relative of a deceased victim does not have standing to:

21-9 (1) participate as a party in a criminal proceeding;  
21-10 or

21-11 (2) contest the disposition of any charge. (Code  
21-12 Crim. Proc., Art. 56.02(d) (part).)

21-13 SUBCHAPTER C. ADDITIONAL PROTECTIONS FOR VICTIMS AND WITNESSES

21-14 Art. 56A.101. VICTIM PRIVACY. (a) As far as reasonably  
21-15 practical, the address of the victim may not be a part of the court  
21-16 file except as necessary to identify the place of the offense.

21-17 (b) The phone number of the victim may not be a part of the  
21-18 court file. (Code Crim. Proc., Art. 56.09.)

21-19 Art. 56A.102. VICTIM OR WITNESS DISCOVERY ATTENDANCE.  
21-20 Unless absolutely necessary, a victim or witness who is not  
21-21 confined may not be required to attend a deposition in a  
21-22 correctional facility. (Code Crim. Proc., Art. 56.10.)

21-23 SUBCHAPTER D. VICTIM IMPACT STATEMENT

21-24 Art. 56A.151. VICTIM IMPACT STATEMENT; INFORMATION  
21-25 BOOKLET. (a) The clearinghouse, with the participation of the  
21-26 board and the community justice assistance division of the  
21-27 department, shall develop a form to be used by law enforcement  
21-28 agencies, attorneys representing the state, and other participants  
21-29 in the criminal justice system to record the impact of an offense on  
21-30 a victim of the offense, guardian of a victim, or close relative of  
21-31 a deceased victim and to provide the agencies, attorneys, and  
21-32 participants with information needed to contact the victim,  
21-33 guardian, or relative if needed at any stage of a prosecution of a  
21-34 person charged with the offense. The clearinghouse, with the  
21-35 participation of the board and the community justice assistance  
21-36 division of the department, shall also develop a victims'  
21-37 information booklet that provides a general explanation of the  
21-38 criminal justice system to victims of an offense, guardians of  
21-39 victims, and relatives of deceased victims.

21-40 (b) The victim impact statement must be in a form designed  
21-41 to:

21-42 (1) inform a victim, guardian of a victim, or close  
21-43 relative of a deceased victim with a clear statement of rights  
21-44 granted by Subchapter B; and

21-45 (2) collect the following information:

21-46 (A) the name of the victim of the offense or, if  
21-47 the victim has a legal guardian or is deceased, the name of a  
21-48 guardian or close relative of the victim;

21-49 (B) the address and telephone number of the  
21-50 victim, guardian, or relative through which the victim, guardian,  
21-51 or relative may be contacted;

21-52 (C) a statement of economic loss suffered by the  
21-53 victim, guardian, or relative as a result of the offense;

21-54 (D) a statement of any physical or psychological  
21-55 injury suffered by the victim, guardian, or relative as a result of  
21-56 the offense, as described by the victim, guardian, or relative or by  
21-57 a physician or counselor;

21-58 (E) a statement of any psychological services  
21-59 requested as a result of the offense;

21-60 (F) a statement of any change in the victim's,  
21-61 guardian's, or relative's personal welfare or familial relationship  
21-62 as a result of the offense;

21-63 (G) a statement regarding whether the victim,  
21-64 guardian, or relative wants to be notified of any parole hearing for  
21-65 the defendant;

21-66 (H) if the victim is a child, whether there is an  
21-67 existing court order granting to the defendant possession of or  
21-68 access to the victim; and

21-69 (I) any other information related to the impact

22-1 of the offense on the victim, guardian, or relative, other than  
22-2 facts related to the commission of the offense.

22-3 (c) The victim impact statement must include an explanation  
22-4 regarding the procedures by which a victim, guardian of a victim, or  
22-5 close relative of a deceased victim may obtain information  
22-6 concerning the release of the defendant from the department.

22-7 (d) Not later than December 1 of each odd-numbered year, the  
22-8 clearinghouse, with the participation of the board and the  
22-9 community justice assistance division of the department, shall  
22-10 update the victim impact statement form and any other information  
22-11 provided by the community justice assistance division to victims,  
22-12 guardians of victims, and relatives of deceased victims, if  
22-13 necessary, to reflect changes in law relating to criminal justice  
22-14 and the rights of victims and guardians and relatives of victims.  
22-15 (Code Crim. Proc., Arts. 56.03(a), (b), (h), (i) (part).)

22-16 Art. 56A.152. RECOMMENDATIONS TO ENSURE SUBMISSION OF  
22-17 STATEMENT. The victim services division of the department, in  
22-18 consultation with the board, law enforcement agencies, offices of  
22-19 attorneys representing the state, and other participants in the  
22-20 criminal justice system, shall develop recommendations to ensure  
22-21 that completed victim impact statements are submitted to the  
22-22 department as provided by Article 56A.159(b). (Code Crim. Proc.,  
22-23 Art. 56.04(d-1).)

22-24 Art. 56A.153. NOTIFICATION TO COURT REGARDING RELEASE OF  
22-25 DEFENDANT WITH ACCESS TO CHILD VICTIM. If information collected  
22-26 under Article 56A.151(b)(2)(H) indicates the defendant is granted  
22-27 possession of or access to a child victim under court order and the  
22-28 department subsequently imprisons the defendant as a result of the  
22-29 defendant's commission of the offense, the victim services division  
22-30 of the department shall contact the court that issued the order  
22-31 before the department releases the defendant on parole or to  
22-32 mandatory supervision. (Code Crim. Proc., Art. 56.03(i) (part).)

22-33 Art. 56A.154. CHANGE OF ADDRESS. If a victim, guardian of a  
22-34 victim, or close relative of a deceased victim states on a victim  
22-35 impact statement that the victim, guardian, or relative wants to be  
22-36 notified of parole proceedings, the victim, guardian, or relative  
22-37 must notify the board of any change of address. (Code Crim. Proc.,  
22-38 Art. 56.03(d).)

22-39 Art. 56A.155. DISCOVERY OF STATEMENT. A victim impact  
22-40 statement is subject to discovery under Article 39.14 before the  
22-41 testimony of the victim is taken only if the court determines that  
22-42 the statement contains exculpatory material. (Code Crim. Proc.,  
22-43 Art. 56.03(g).)

22-44 Art. 56A.156. INSPECTION OF STATEMENT BY COURT; DISCLOSURE  
22-45 OF CONTENTS. The court may not inspect a victim impact statement  
22-46 until after a finding of guilt or until deferred adjudication  
22-47 community supervision is ordered and the contents of the statement  
22-48 may not be disclosed to any person unless:

22-49 (1) the defendant pleads guilty or nolo contendere or  
22-50 is convicted of the offense; or

22-51 (2) the defendant authorizes the court in writing to  
22-52 inspect the statement. (Code Crim. Proc., Art. 56.03(f).)

22-53 Art. 56A.157. CONSIDERATION OF STATEMENT BY COURT. (a)  
22-54 Before imposing a sentence, a court shall, as applicable, inquire  
22-55 as to whether a victim impact statement has been returned to the  
22-56 attorney representing the state and, if a statement has been  
22-57 returned to the attorney, consider the information provided in the  
22-58 statement.

22-59 (b) On inquiry by the sentencing court, the attorney  
22-60 representing the state shall make a copy of the statement available  
22-61 for consideration by the court. (Code Crim. Proc., Arts. 56.03(e)  
22-62 (part), 56.04(e) (part).)

22-63 Art. 56A.158. DEFENDANT RESPONSE TO STATEMENT. Before  
22-64 sentencing a defendant, a court shall permit the defendant or the  
22-65 defendant's attorney a reasonable period to:

22-66 (1) read the victim impact statement, excluding the  
22-67 victim's name, address, and telephone number;

22-68 (2) comment on the statement; and

22-69 (3) with the approval of the court, introduce

23-1 testimony or other information alleging a factual inaccuracy in the  
 23-2 statement. (Code Crim. Proc., Art. 56.03(e) (part).)  
 23-3 Art. 56A.159. TRANSFER OF STATEMENT AFTER SENTENCING. (a)  
 23-4 If a court sentences a defendant to a period of community  
 23-5 supervision, the attorney representing the state shall forward any  
 23-6 victim impact statement received in the case to the community  
 23-7 supervision and corrections department supervising the defendant.  
 23-8 (b) If a court sentences a defendant to imprisonment in the  
 23-9 department, the court shall attach to the commitment papers the  
 23-10 copy of the victim impact statement provided to the court under  
 23-11 Article 56A.157(b). (Code Crim. Proc., Arts. 56.03(e) (part),  
 23-12 56.04(e) (part).)  
 23-13 Art. 56A.160. SURVEY PLAN REGARDING STATEMENTS. (a) In  
 23-14 this article, "planning body" means the board, the clearinghouse,  
 23-15 and the community justice assistance division of the department.  
 23-16 (b) The planning body shall develop a survey plan to  
 23-17 maintain statistics on the numbers and types of persons to whom  
 23-18 state and local agencies provide victim impact statements during  
 23-19 each year.  
 23-20 (c) At intervals specified in the survey plan, the planning  
 23-21 body may require any state or local agency to submit the following,  
 23-22 in a form prescribed for the reporting of the information:  
 23-23 (1) statistical data on the numbers and types of  
 23-24 persons to whom the agency provides victim impact statements; and  
 23-25 (2) any other information required by the planning  
 23-26 body.  
 23-27 (d) The form described by Subsection (c) must be designed  
 23-28 to:  
 23-29 (1) protect the privacy of persons provided rights  
 23-30 under Subchapter B; and  
 23-31 (2) determine whether the selected agency is making a  
 23-32 good faith effort to protect the rights of the persons served.  
 23-33 (Code Crim. Proc., Arts. 56.05(a), (b).)  
 23-34 SUBCHAPTER E. VICTIM ASSISTANCE COORDINATOR; CRIME VICTIM LIAISON  
 23-35 Art. 56A.201. DESIGNATION OF VICTIM ASSISTANCE  
 23-36 COORDINATOR. The district attorney, criminal district attorney, or  
 23-37 county attorney who prosecutes criminal cases shall designate a  
 23-38 person to serve as victim assistance coordinator in that  
 23-39 jurisdiction. (Code Crim. Proc., Art. 56.04(a).)  
 23-40 Art. 56A.202. DUTIES OF VICTIM ASSISTANCE COORDINATOR. (a)  
 23-41 The victim assistance coordinator designated under Article 56A.201  
 23-42 shall:  
 23-43 (1) ensure that a victim, guardian of a victim, or  
 23-44 close relative of a deceased victim is provided the rights granted  
 23-45 to victims, guardians, or relatives by Subchapter B; and  
 23-46 (2) work closely with appropriate law enforcement  
 23-47 agencies, attorneys representing the state, the board, and the  
 23-48 judiciary in carrying out the duty described by Subdivision (1).  
 23-49 (b) The victim assistance coordinator shall send to a  
 23-50 victim, guardian of a victim, or close relative of a deceased victim  
 23-51 a victim impact statement and victims' information booklet  
 23-52 described by Article 56A.151 and an application for compensation  
 23-53 under Chapter 56B. The victim assistance coordinator shall include  
 23-54 an offer to assist in completing the statement and application on  
 23-55 request.  
 23-56 (c) The victim assistance coordinator, on request, shall  
 23-57 explain the possible use and consideration of the victim impact  
 23-58 statement at any sentencing or parole hearing of the defendant.  
 23-59 (Code Crim. Proc., Arts. 56.03(c), 56.04(b).)  
 23-60 Art. 56A.203. DESIGNATION OF CRIME VICTIM LIAISON. Each  
 23-61 local law enforcement agency shall designate one person to serve as  
 23-62 the agency's crime victim liaison. (Code Crim. Proc., Art.  
 23-63 56.04(c) (part).)  
 23-64 Art. 56A.204. DUTIES OF CRIME VICTIM LIAISON. (a) The  
 23-65 crime victim liaison designated under Article 56A.203 shall ensure  
 23-66 that a victim, guardian of a victim, or close relative of a deceased  
 23-67 victim is provided the rights granted to victims, guardians, or  
 23-68 relatives by Articles 56A.051(a)(4), (6), and (9).  
 23-69 (b) Each local law enforcement agency shall consult with the

24-1 victim assistance coordinator in the office of the attorney  
24-2 representing the state to determine the most effective manner in  
24-3 which the crime victim liaison can perform the duties imposed on the  
24-4 crime victim liaison under this article and, if applicable, Article  
24-5 56A.205. (Code Crim. Proc., Arts. 56.04(c) (part), (d).)

24-6 Art. 56A.205. PSYCHOLOGICAL COUNSELING FOR CERTAIN JURORS.  
24-7 (a) A commissioners court may approve a program in which a crime  
24-8 victim liaison or victim assistance coordinator may offer not more  
24-9 than 10 hours of post-investigation or posttrial psychological  
24-10 counseling for a person who:

24-11 (1) serves as a grand juror, alternate grand juror,  
24-12 juror, or alternate juror in a grand jury investigation or criminal  
24-13 trial involving graphic evidence or testimony; and

24-14 (2) requests the counseling not later than the 180th  
24-15 day after the date on which the grand jury or jury is dismissed.

24-16 (b) The crime victim liaison or victim assistance  
24-17 coordinator may provide the counseling using a provider that  
24-18 assists local criminal justice agencies in providing similar  
24-19 services to victims. (Code Crim. Proc., Art. 56.04(f).)

24-20 SUBCHAPTER F. FORENSIC MEDICAL EXAMINATION OF SEXUAL ASSAULT  
24-21 VICTIM REPORTING ASSAULT

24-22 Art. 56A.251. REQUEST FOR FORENSIC MEDICAL EXAMINATION.

24-23 (a) Except as provided by Subsection (b), if a sexual assault is  
24-24 reported to a law enforcement agency within 96 hours after the  
24-25 assault, the law enforcement agency, with the consent of the victim  
24-26 of the alleged assault, a person authorized to act on behalf of the  
24-27 victim, or an employee of the Department of Family and Protective  
24-28 Services, shall request a forensic medical examination of the  
24-29 victim for use in the investigation or prosecution of the offense.

24-30 (b) A law enforcement agency may decline to request a  
24-31 forensic medical examination under Subsection (a) only if:

24-32 (1) the person reporting the sexual assault has made  
24-33 one or more false reports of sexual assault to any law enforcement  
24-34 agency; and

24-35 (2) there is no other evidence to corroborate the  
24-36 current allegations of sexual assault.

24-37 (c) If a sexual assault is not reported within the period  
24-38 described by Subsection (a), on receiving the consent described by  
24-39 that subsection a law enforcement agency may request a forensic  
24-40 medical examination of a victim of an alleged sexual assault as  
24-41 considered appropriate by the agency. (Code Crim. Proc., Arts.  
24-42 56.06(a), (b).)

24-43 Art. 56A.252. PAYMENT OF COSTS OF EXAMINATION. A law  
24-44 enforcement agency that requests a forensic medical examination  
24-45 under Article 56A.251 shall pay all costs of the examination. On  
24-46 application to the attorney general, the law enforcement agency is  
24-47 entitled to be reimbursed for the reasonable costs of the  
24-48 examination if the examination was performed by a physician or by a  
24-49 sexual assault examiner or sexual assault nurse examiner, as  
24-50 defined by Section 420.003, Government Code. (Code Crim. Proc.,  
24-51 Art. 56.06(c).)

24-52 Art. 56A.253. PAYMENT OF COSTS RELATED TO TESTIMONY. A law  
24-53 enforcement agency or office of the attorney representing the state  
24-54 may pay all costs related to the testimony of a licensed health care  
24-55 professional in a criminal proceeding regarding the results of a  
24-56 forensic medical examination described by Article 56A.251 or the  
24-57 manner in which the examination was performed. (Code Crim. Proc.,  
24-58 Art. 56.06(d).)

24-59 Art. 56A.254. PAYMENT OF COSTS FOR CERTAIN MEDICAL CARE.  
24-60 The attorney general may make a payment to or on behalf of an  
24-61 individual for the reasonable costs incurred for medical care  
24-62 provided in accordance with Section 323.004, Health and Safety  
24-63 Code. (Code Crim. Proc., Art. 56.06(f).)

24-64 Art. 56A.255. PAYMENT OF COSTS OF TREATMENT NOT REQUIRED.  
24-65 This subchapter does not require a law enforcement agency to pay any  
24-66 costs of treatment for injuries. (Code Crim. Proc., Art. 56.06(e).)

24-67 SUBCHAPTER G. FORENSIC MEDICAL EXAMINATION OF SEXUAL ASSAULT  
24-68 VICTIM NOT REPORTING ASSAULT

24-69 Art. 56A.301. DEFINITIONS. In this subchapter:

25-1 (1) "Crime laboratory" has the meaning assigned by  
25-2 Article 38.35.

25-3 (2) "Department" means the Department of Public Safety  
25-4 of the State of Texas.

25-5 (3) "Sexual assault examiner" and "sexual assault  
25-6 nurse examiner" have the meanings assigned by Section 420.003,  
25-7 Government Code. (Code Crim. Proc., Art. 56.065(a).)

25-8 Art. 56A.302. APPLICABILITY. This subchapter applies to  
25-9 the following health care facilities that provide diagnosis or  
25-10 treatment services to victims of sexual assault:

25-11 (1) a general or special hospital licensed under  
25-12 Chapter 241, Health and Safety Code;

25-13 (2) a general or special hospital owned by this state;

25-14 (3) an outpatient clinic; and

25-15 (4) a private physician's office. (Code Crim. Proc.,  
25-16 Art. 56.065(b).)

25-17 Art. 56A.303. FORENSIC MEDICAL EXAMINATION. (a) In  
25-18 accordance with Subchapter B, Chapter 420, Government Code, and  
25-19 except as provided by Subsection (b), a health care facility shall  
25-20 conduct a forensic medical examination of a victim of an alleged  
25-21 sexual assault if:

25-22 (1) the victim arrives at the facility within 96 hours  
25-23 after the assault occurred;

25-24 (2) the victim consents to the examination; and

25-25 (3) at the time of the examination the victim has not  
25-26 reported the assault to a law enforcement agency.

25-27 (b) If a health care facility does not provide diagnosis or  
25-28 treatment services to victims of sexual assault, the facility shall  
25-29 refer a victim of an alleged sexual assault who seeks a forensic  
25-30 medical examination under Subsection (a) to a health care facility  
25-31 that provides services to those victims.

25-32 (c) A victim of an alleged sexual assault may not be  
25-33 required to participate in the investigation or prosecution of an  
25-34 offense as a condition of receiving a forensic medical examination  
25-35 under this article. (Code Crim. Proc., Arts. 56.065(c), (e), (h)  
25-36 (part).)

25-37 Art. 56A.304. PAYMENT OF FEES RELATED TO EXAMINATION. (a)  
25-38 The department shall pay the appropriate fees, as set by attorney  
25-39 general rule, for the forensic portion of a forensic medical  
25-40 examination conducted under Article 56A.303(a) and for the evidence  
25-41 collection kit if a physician, sexual assault examiner, or sexual  
25-42 assault nurse examiner conducts the forensic portion of the  
25-43 examination within 96 hours after the alleged sexual assault  
25-44 occurred.

25-45 (b) The attorney general shall reimburse the department for  
25-46 fees paid under Subsection (a).

25-47 (c) A victim of an alleged sexual assault may not be  
25-48 required to pay for:

25-49 (1) the forensic portion of the forensic medical  
25-50 examination; or

25-51 (2) the evidence collection kit. (Code Crim. Proc.,  
25-52 Arts. 56.065(d), (h) (part).)

25-53 Art. 56A.305. PAYMENT OF COSTS FOR CERTAIN MEDICAL CARE.  
25-54 The attorney general may make a payment to or on behalf of an  
25-55 individual for the reasonable costs incurred for medical care  
25-56 provided in accordance with Section 323.004, Health and Safety  
25-57 Code. (Code Crim. Proc., Art. 56.065(k).)

25-58 Art. 56A.306. PROCEDURES FOR TRANSFER AND PRESERVATION OF  
25-59 EVIDENCE. (a) The department, consistent with Chapter 420,  
25-60 Government Code, shall develop procedures for the transfer and  
25-61 preservation of evidence collected under this subchapter to a crime  
25-62 laboratory or other suitable location designated by the public  
25-63 safety director of the department.

25-64 (b) An entity receiving the evidence shall preserve the  
25-65 evidence until the earlier of:

25-66 (1) the second anniversary of the date on which the  
25-67 evidence was collected; or

25-68 (2) the date on which written consent to release the  
25-69 evidence is obtained as provided by Section 420.0735, Government

26-1 Code. (Code Crim. Proc., Art. 56.065(g).)

26-2 Art. 56A.307. PROCEDURES FOR SUBMISSION OR COLLECTION OF  
26-3 ADDITIONAL EVIDENCE. The department, consistent with Chapter 420,  
26-4 Government Code, may develop procedures regarding the submission or  
26-5 collection of additional evidence of an alleged sexual assault  
26-6 other than through a forensic medical examination as described by  
26-7 Article 56A.303(a). (Code Crim. Proc., Art. 56.065(f).)

26-8 Art. 56A.308. CONFIDENTIALITY OF CERTAIN RECORDS. (a) In  
26-9 this article, "identifying information" includes information that:

26-10 (1) reveals the identity, personal history, or  
26-11 background of a person; or

26-12 (2) concerns the victimization of a person.

26-13 (b) A communication or record is confidential for purposes  
26-14 of Section 552.101, Government Code, if the communication or  
26-15 record:

26-16 (1) contains identifying information regarding a  
26-17 victim who receives a forensic medical examination under Article  
26-18 56A.303(a); and

26-19 (2) is created by, provided to, or in the control or  
26-20 possession of the department. (Code Crim. Proc., Art. 56.065(j).)

26-21 Art. 56A.309. RULES. The attorney general and the  
26-22 department shall each adopt rules as necessary to implement this  
26-23 subchapter. (Code Crim. Proc., Art. 56.065(i).)

26-24 SUBCHAPTER H. PRESENCE OF ADVOCATE OR REPRESENTATIVE DURING  
26-25 FORENSIC MEDICAL EXAMINATION

26-26 Art. 56A.351. PRESENCE OF SEXUAL ASSAULT PROGRAM ADVOCATE.

26-27 (a) Before conducting a forensic medical examination of a victim  
26-28 who consents to the examination for the collection of evidence for  
26-29 an alleged sexual assault, the physician or other medical services  
26-30 personnel conducting the examination shall offer the victim the  
26-31 opportunity to have an advocate from a sexual assault program as  
26-32 defined by Section 420.003, Government Code, be present with the  
26-33 victim during the examination, if the advocate is available at the  
26-34 time of the examination. The advocate must have completed a sexual  
26-35 assault training program described by Section 420.011(b),  
26-36 Government Code.

26-37 (b) An advocate may only provide the victim with:

26-38 (1) counseling and other support services; and

26-39 (2) information regarding the rights of crime victims  
26-40 under Subchapter B.

26-41 (c) Notwithstanding Subsection (a), an advocate and a  
26-42 sexual assault program providing the advocate may not delay or  
26-43 otherwise impede the screening or stabilization of an emergency  
26-44 medical condition.

26-45 (d) A sexual assault program providing an advocate shall pay  
26-46 all costs associated with providing the advocate.

26-47 (e) Any individual or entity, including a health care  
26-48 facility, that provides an advocate with access under Subsection  
26-49 (a) to a victim consenting to a forensic medical examination is not  
26-50 subject to civil or criminal liability for providing that access.  
26-51 In this article, "health care facility" includes a hospital  
26-52 licensed under Chapter 241, Health and Safety Code. (Code Crim.  
26-53 Proc., Arts. 56.045(a), (b), (c), (d), (e).)

26-54 Art. 56A.352. REPRESENTATIVE PROVIDED BY PENAL  
26-55 INSTITUTION. (a) In this article, "penal institution" has the  
26-56 meaning assigned by Section 1.07, Penal Code.

26-57 (b) If a victim alleging to have sustained injuries as the  
26-58 victim of a sexual assault was confined in a penal institution at  
26-59 the time of the alleged assault, the penal institution shall  
26-60 provide, at the victim's request, a representative to be present  
26-61 with the victim at any forensic medical examination conducted for  
26-62 the purpose of collecting and preserving evidence related to the  
26-63 investigation or prosecution of the alleged assault. The  
26-64 representative must:

26-65 (1) be approved by the penal institution; and

26-66 (2) be a:

26-67 (A) psychologist;

26-68 (B) sociologist;

26-69 (C) chaplain;

27-1 (D) social worker;

27-2 (E) case manager; or

27-3 (F) volunteer who has completed a sexual assault

27-4 training program described by Section 420.011(b), Government Code.

27-5 (c) A representative may only provide the victim with:

27-6 (1) counseling and other support services; and

27-7 (2) information regarding the rights of crime victims

27-8 under Subchapter B.

27-9 (d) A representative may not delay or otherwise impede the

27-10 screening or stabilization of an emergency medical condition.

27-11 (Code Crim. Proc., Art. 56.045(f).)

27-12 SUBCHAPTER I. REQUIRED NOTIFICATIONS BY LAW ENFORCEMENT AGENCY

27-13 Art. 56A.401. NOTIFICATION OF RIGHTS. At the initial

27-14 contact or at the earliest possible time after the initial contact

27-15 between a victim of a reported offense and the law enforcement

27-16 agency having the responsibility for investigating the offense, the

27-17 agency shall provide the victim a written notice containing:

27-18 (1) information about the availability of emergency

27-19 and medical services, if applicable;

27-20 (2) information about the rights of crime victims

27-21 under Subchapter B;

27-22 (3) notice that the victim has the right to receive

27-23 information regarding compensation to victims of crime as provided

27-24 by Chapter 56B, including information about:

27-25 (A) the costs that may be compensated under that

27-26 chapter and the amount of compensation, eligibility for

27-27 compensation, and procedures for application for compensation

27-28 under that chapter;

27-29 (B) the payment for a forensic medical

27-30 examination under Article 56A.252 for a victim of an alleged sexual

27-31 assault; and

27-32 (C) referral to available social service

27-33 agencies that may offer additional assistance;

27-34 (4) the name, address, and phone number of the law

27-35 enforcement agency's crime victim liaison;

27-36 (5) the name, address, and phone number of the victim

27-37 assistance coordinator of the office of the attorney representing

27-38 the state; and

27-39 (6) the following statement:

27-40 "You may call the law enforcement agency's telephone number

27-41 for the status of the case and information about victims' rights."

27-42 (Code Crim. Proc., Art. 56.07(a).)

27-43 Art. 56A.402. REFERRAL TO SEXUAL ASSAULT PROGRAM. (a) At

27-44 the time a law enforcement agency provides notice under Article

27-45 56A.401, the agency shall provide, if the agency possesses the

27-46 relevant information:

27-47 (1) a referral to a sexual assault program as defined

27-48 by Section 420.003, Government Code; and

27-49 (2) a written description of the services provided by

27-50 the program.

27-51 (b) A sexual assault program may provide a written

27-52 description of the program's services to a law enforcement agency.

27-53 (Code Crim. Proc., Art. 56.07(b).)

27-54 SUBCHAPTER J. REQUIRED NOTIFICATIONS BY ATTORNEY REPRESENTING THE

27-55 STATE

27-56 Art. 56A.451. NOTIFICATION OF RIGHTS. (a) Not later than

27-57 the 10th day after the date that an indictment or information is

27-58 returned against a defendant for an offense, the attorney

27-59 representing the state shall give to each victim of the offense a

27-60 written notice containing:

27-61 (1) the case number and assigned court for the case;

27-62 (2) a brief general statement of each procedural stage

27-63 in the processing of a criminal case, including bail, plea

27-64 bargaining, parole restitution, and appeal;

27-65 (3) suggested steps the victim may take if the victim

27-66 is subjected to threats or intimidation;

27-67 (4) the name, address, and phone number of the local

27-68 victim assistance coordinator; and

27-69 (5) notification of:

28-1 (A) the rights and procedures under this chapter,  
 28-2 Chapter 56B, and Subchapter B, Chapter 58;  
 28-3 (B) the right to file a victim impact statement  
 28-4 with the office of the attorney representing the state and the  
 28-5 department;  
 28-6 (C) the right to receive information regarding  
 28-7 compensation to victims of crime as provided by Chapter 56B,  
 28-8 including information about:  
 28-9 (i) the costs that may be compensated under  
 28-10 that chapter, eligibility for compensation, and procedures for  
 28-11 application for compensation under that chapter;  
 28-12 (ii) the payment for a forensic medical  
 28-13 examination under Article 56A.252 for a victim of an alleged sexual  
 28-14 assault; and  
 28-15 (iii) referral to available social service  
 28-16 agencies that may offer additional assistance; and  
 28-17 (D) the right of a victim, guardian of a victim,  
 28-18 or close relative of a deceased victim, as defined by Section  
 28-19 508.117, Government Code, to appear in person before a member of the  
 28-20 board as provided by Section 508.153, Government Code.  
 28-21 (b) The brief general statement required by Subsection  
 28-22 (a)(2) that describes the plea bargaining stage in a criminal trial  
 28-23 must include a statement that:  
 28-24 (1) a victim impact statement provided by a victim,  
 28-25 guardian of a victim, or close relative of a deceased victim will be  
 28-26 considered by the attorney representing the state in entering into  
 28-27 a plea bargain agreement; and  
 28-28 (2) the judge before accepting a plea bargain  
 28-29 agreement is required under Article 26.13(e) to ask:  
 28-30 (A) whether a victim impact statement has been  
 28-31 returned to the attorney representing the state;  
 28-32 (B) if a victim impact statement has been  
 28-33 returned, for a copy of the statement; and  
 28-34 (C) whether the attorney representing the state  
 28-35 has given the victim, guardian of a victim, or close relative of a  
 28-36 deceased victim notice of the existence and terms of the plea  
 28-37 bargain agreement. (Code Crim. Proc., Arts. 56.08(a), (e).)  
 28-38 Art. 56A.452. NOTIFICATION OF SCHEDULED COURT PROCEEDINGS.  
 28-39 If requested by the victim, the attorney representing the state, as  
 28-40 far as reasonably practical, shall give the victim notice of:  
 28-41 (1) any scheduled court proceedings and changes in  
 28-42 that schedule; and  
 28-43 (2) the filing of a request for continuance of a trial  
 28-44 setting. (Code Crim. Proc., Art. 56.08(b).)  
 28-45 Art. 56A.453. NOTIFICATION OF PLEA BARGAIN AGREEMENT. The  
 28-46 attorney representing the state, as far as reasonably practical,  
 28-47 shall give a victim, guardian of a victim, or close relative of a  
 28-48 deceased victim notice of the existence and terms of any plea  
 28-49 bargain agreement to be presented to the court. (Code Crim. Proc.,  
 28-50 Art. 56.08(b-1).)  
 28-51 Art. 56A.454. VICTIM CONTACT INFORMATION. (a) A victim who  
 28-52 receives a notice under Article 56A.451(a) and who chooses to  
 28-53 receive other notice under law about the same case must keep the  
 28-54 following persons informed of the victim's current address and  
 28-55 phone number:  
 28-56 (1) the attorney representing the state; and  
 28-57 (2) the department if the defendant is imprisoned in  
 28-58 the department after sentencing.  
 28-59 (b) An attorney representing the state who receives  
 28-60 information concerning a victim's current address and phone number  
 28-61 shall immediately provide that information to the community  
 28-62 supervision and corrections department supervising the defendant,  
 28-63 if the defendant is placed on community supervision. (Code Crim.  
 28-64 Proc., Arts. 56.08(c), (d).)  
 28-65 SUBCHAPTER K. NOTIFICATION BY CERTAIN ENTITIES OF RELEASE OR  
 28-66 ESCAPE  
 28-67 Art. 56A.501. DEFINITIONS. In this subchapter:  
 28-68 (1) "Correctional facility" has the meaning assigned  
 28-69 by Section 1.07, Penal Code.

29-1 (2) "Family violence" has the meaning assigned by  
 29-2 Section 71.004, Family Code. (Code Crim. Proc., Art. 56.11(h).)  
 29-3 Art. 56A.502. APPLICABILITY. This subchapter applies to a  
 29-4 defendant convicted of:  
 29-5 (1) an offense under Title 5, Penal Code, that is  
 29-6 punishable as a felony;  
 29-7 (2) an offense described by Section 508.187(a),  
 29-8 Government Code, other than an offense described by Subdivision  
 29-9 (1); or  
 29-10 (3) an offense involving family violence, stalking, or  
 29-11 violation of a protective order or magistrate's order. (Code Crim.  
 29-12 Proc., Art. 56.11(c).)  
 29-13 Art. 56A.503. NOTIFICATION OF RELEASE OR ESCAPE. (a) The  
 29-14 department or sheriff, whichever has custody of a defendant in the  
 29-15 case of a felony, or the sheriff in the case of a misdemeanor, shall  
 29-16 notify a victim of the offense or a witness who testified against  
 29-17 the defendant at the trial for the offense, other than a witness who  
 29-18 testified in the course and scope of the witness's official or  
 29-19 professional duties, when a defendant convicted of an offense  
 29-20 described by Article 56A.502:  
 29-21 (1) completes the defendant's sentence and is  
 29-22 released; or  
 29-23 (2) escapes from a correctional facility.  
 29-24 (b) If the department is required by Subsection (a) to give  
 29-25 notice to a victim or witness, the department shall also give notice  
 29-26 to local law enforcement officials in the county in which the victim  
 29-27 or witness resides. (Code Crim. Proc., Arts. 56.11(a), (b).)  
 29-28 Art. 56A.504. NOTIFICATION REGARDING DEFENDANT SUBJECT TO  
 29-29 ELECTRONIC MONITORING. The department, in the case of a defendant  
 29-30 released on parole or to mandatory supervision following a term of  
 29-31 imprisonment for an offense described by Article 56A.502, or a  
 29-32 community supervision and corrections department supervising a  
 29-33 defendant convicted of an offense described by Article 56A.502 and  
 29-34 subsequently released on community supervision, shall notify a  
 29-35 victim or witness described by Article 56A.503(a) when the  
 29-36 defendant, if subject to electronic monitoring as a condition of  
 29-37 release, ceases to be electronically monitored. (Code Crim. Proc.,  
 29-38 Art. 56.11(a-1).)  
 29-39 Art. 56A.505. NOTIFICATION OF RIGHT TO NOTICE. Not later  
 29-40 than immediately following the conviction of a defendant for an  
 29-41 offense described by Article 56A.502, the attorney who represented  
 29-42 the state in the prosecution of the case shall notify in writing a  
 29-43 victim or witness described by Article 56A.503(a) of the victim's  
 29-44 or witness's right to receive notice under this subchapter. (Code  
 29-45 Crim. Proc., Art. 56.11(g).)  
 29-46 Art. 56A.506. VICTIM OR WITNESS CONTACT INFORMATION;  
 29-47 CONFIDENTIALITY. (a) A victim or witness who wants notification  
 29-48 under this subchapter must:  
 29-49 (1) provide the department, the sheriff, or the  
 29-50 community supervision and corrections department supervising the  
 29-51 defendant, as appropriate, with the e-mail address, mailing  
 29-52 address, and telephone number of the victim, witness, or other  
 29-53 person through whom the victim or witness may be contacted; and  
 29-54 (2) notify the appropriate department or the sheriff  
 29-55 of any change of address or telephone number of the victim, witness,  
 29-56 or other person.  
 29-57 (b) Information obtained and maintained by the department,  
 29-58 a sheriff, or a community supervision and corrections department  
 29-59 under this article is privileged and confidential. (Code Crim.  
 29-60 Proc., Art. 56.11(d).)  
 29-61 Art. 56A.507. TIME FOR NOTICE. (a) The department, the  
 29-62 sheriff, or the community supervision and corrections department  
 29-63 supervising the defendant, as appropriate:  
 29-64 (1) shall make a reasonable attempt to give any notice  
 29-65 required by Article 56A.503(a) or 56A.504:  
 29-66 (A) not later than the 30th day before the date  
 29-67 the defendant:  
 29-68 (i) completes the sentence and is released;  
 29-69 or

30-1 (ii) ceases to be electronically monitored  
 30-2 as a condition of release; or  
 30-3 (B) immediately if the defendant escapes from the  
 30-4 correctional facility; and

30-5 (2) may give the notice by e-mail, if possible.

30-6 (b) An attempt by the department, the sheriff, or the  
 30-7 community supervision and corrections department supervising the  
 30-8 defendant to give notice to a victim or witness at the victim's or  
 30-9 witness's last known mailing address or, if notice by e-mail is  
 30-10 possible, last known e-mail address, as shown on the records of the  
 30-11 appropriate department or agency, constitutes a reasonable attempt  
 30-12 to give notice under this subchapter. (Code Crim. Proc., Arts.  
 30-13 56.11(e), (f).)

#### 30-14 SUBCHAPTER L. NOTIFICATION BY DEPARTMENT OF ESCAPE OR TRANSFER

30-15 Art. 56A.551. DEFINITION. In this subchapter, "witness's  
 30-16 close relative" means a person who:

30-17 (1) was the spouse of a deceased witness at the time of  
 30-18 the witness's death; or

30-19 (2) is a parent or adult brother, sister, or child of a  
 30-20 deceased witness. (Code Crim. Proc., Art. 56.12(d).)

30-21 Art. 56A.552. NOTIFICATION OF VICTIM. The department shall  
 30-22 immediately notify the victim of an offense, the victim's guardian,  
 30-23 or the victim's close relative if the victim is deceased, if the  
 30-24 victim, victim's guardian, or victim's close relative has notified  
 30-25 the department as provided by Article 56A.554, when the defendant:

30-26 (1) escapes from a facility operated by the department  
 30-27 for the imprisonment of individuals convicted of felonies other  
 30-28 than state jail felonies; or

30-29 (2) is transferred from the custody of a facility  
 30-30 described by Subdivision (1) to the custody of a peace officer under  
 30-31 a writ of attachment or a bench warrant. (Code Crim. Proc., Art.  
 30-32 56.12(a).)

30-33 Art. 56A.553. NOTIFICATION OF WITNESS. The department  
 30-34 shall immediately notify a witness who testified against a  
 30-35 defendant at the trial for the offense for which the defendant is  
 30-36 imprisoned, the witness's guardian, or the witness's close  
 30-37 relative, if the witness, witness's guardian, or witness's close  
 30-38 relative has notified the department as provided by Article  
 30-39 56A.554, when the defendant:

30-40 (1) escapes from a facility operated by the department  
 30-41 for the imprisonment of individuals convicted of felonies other  
 30-42 than state jail felonies; or

30-43 (2) is transferred from the custody of a facility  
 30-44 described by Subdivision (1) to the custody of a peace officer under  
 30-45 a writ of attachment or a bench warrant. (Code Crim. Proc., Art.  
 30-46 56.12(a-1).)

30-47 Art. 56A.554. REQUEST FOR NOTIFICATION; CHANGE OF ADDRESS.  
 30-48 A victim, witness, guardian, or close relative who wants  
 30-49 notification of a defendant's escape or transfer from custody under  
 30-50 a writ of attachment or bench warrant must notify the department of  
 30-51 that fact and of any change of address. (Code Crim. Proc., Art.  
 30-52 56.12(b).)

30-53 Art. 56A.555. NOTICE OF TRANSFER FROM OR RETURN TO CUSTODY.  
 30-54 The department shall include in a notice provided under Article  
 30-55 56A.552(2) or 56A.553(2) the name, address, and telephone number of  
 30-56 the peace officer receiving the defendant into custody. On  
 30-57 returning the defendant to the custody of the department, the  
 30-58 victim services division of the department shall notify the victim,  
 30-59 witness, guardian, or close relative, as applicable, of the return.  
 30-60 (Code Crim. Proc., Art. 56.12(c).)

#### 30-61 SUBCHAPTER M. OTHER POWERS AND DUTIES OF DEPARTMENT AND 30-62 CLEARINGHOUSE

30-63 Art. 56A.601. DATABASE FOR DEFENDANT RELEASE INFORMATION.  
 30-64 The department shall:

30-65 (1) create and maintain a computerized database  
 30-66 containing the release information and release date of a defendant  
 30-67 convicted of an offense described by Article 56A.502; and

30-68 (2) allow a victim or witness entitled to notice under  
 30-69 Subchapter K or L to access through the Internet the computerized

31-1 database maintained under Subdivision (1). (Code Crim. Proc., Art.  
31-2 56.15.)

31-3 Art. 56A.602. VICTIM-OFFENDER MEDIATION. The victim  
31-4 services division of the department shall:

31-5 (1) train volunteers to act as mediators between  
31-6 victims, guardians of victims, and close relatives of deceased  
31-7 victims and offenders whose criminal conduct caused bodily injury  
31-8 or death to victims; and

31-9 (2) provide mediation services through referral of a  
31-10 trained volunteer, if requested by a victim, guardian of a victim,  
31-11 or close relative of a deceased victim. (Code Crim. Proc., Art.  
31-12 56.13.)

31-13 Art. 56A.603. CLEARINGHOUSE ANNUAL CONFERENCE. The  
31-14 clearinghouse may:

31-15 (1) conduct an annual conference to provide to  
31-16 participants in the criminal justice system training containing  
31-17 information on crime victims' rights; and

31-18 (2) charge a fee to a person attending the conference  
31-19 described by Subdivision (1). (Code Crim. Proc., Art. 56.14.)

31-20 Art. 56A.604. CRIME VICTIM ASSISTANCE STANDARDS. The  
31-21 clearinghouse shall develop crime victim assistance standards and  
31-22 distribute those standards to law enforcement officers and  
31-23 attorneys representing the state to aid those officers and  
31-24 attorneys in performing duties imposed by this chapter, Chapter  
31-25 56B, and Subchapter B, Chapter 58. (Code Crim. Proc., Art.  
31-26 56.05(c).)

31-27 SECTION 1.06. Title 1, Code of Criminal Procedure, is  
31-28 amended by adding Chapter 56B to read as follows:

31-29 CHAPTER 56B. CRIME VICTIMS' COMPENSATION  
31-30 SUBCHAPTER A. GENERAL PROVISIONS

31-31 Art. 56B.001. SHORT TITLE  
31-32 Art. 56B.002. LEGISLATIVE FINDINGS AND INTENT  
31-33 Art. 56B.003. DEFINITIONS  
31-34 Art. 56B.004. ADMINISTRATION; RULES  
31-35 Art. 56B.005. ANNUAL REPORT  
31-36 Art. 56B.006. PUBLIC NOTICE  
31-37 Art. 56B.007. NOTICE BY LOCAL LAW ENFORCEMENT AGENCY

31-38 SUBCHAPTER B. APPLICATION AND REVIEW

31-39 Art. 56B.051. APPLICATION FOR COMPENSATION  
31-40 Art. 56B.052. PERIOD FOR FILING APPLICATION  
31-41 Art. 56B.053. REPORTING OF OFFENSE REQUIRED  
31-42 Art. 56B.054. REVIEW AND INVESTIGATION OF APPLICATION  
31-43 Art. 56B.055. MENTAL OR PHYSICAL EXAMINATION; AUTOPSY  
31-44 Art. 56B.056. HEARINGS AND PREHEARING CONFERENCES  
31-45 Art. 56B.057. APPROVAL OF APPLICATION  
31-46 Art. 56B.058. DISCLOSURE AND USE OF INFORMATION

31-47 SUBCHAPTER C. AWARD OF COMPENSATION

31-48 Art. 56B.101. TYPES OF ASSISTANCE  
31-49 Art. 56B.102. EMERGENCY AWARD  
31-50 Art. 56B.103. COMPENSATION FOR PECUNIARY LOSS  
31-51 Art. 56B.104. COMPENSATION FOR HEALTH CARE SERVICES  
31-52 Art. 56B.105. COMPENSATION FOR CERTAIN CRIMINALLY  
31-53 INJURIOUS CONDUCT PROHIBITED  
31-54 Art. 56B.106. LIMITS ON COMPENSATION  
31-55 Art. 56B.107. DENIAL OR REDUCTION OF AWARD  
31-56 Art. 56B.108. RECONSIDERATION

31-57 SUBCHAPTER D. PAYMENT OF AWARD

31-58 Art. 56B.151. METHOD OF PAYMENT  
31-59 Art. 56B.152. PAYMENT FOR PECUNIARY LOSS ACCRUED AT  
31-60 TIME OF AWARD  
31-61 Art. 56B.153. PAYMENT FOR PECUNIARY LOSS ACCRUED AFTER  
31-62 TIME OF AWARD  
31-63 Art. 56B.154. RECIPIENT OF PAYMENT

31-64 SUBCHAPTER E. GENERAL PROVISIONS RELATING TO PAYMENT

31-65 Art. 56B.201. ADJUSTMENT OF AWARDS AND PAYMENTS  
31-66 Art. 56B.202. SUBROGATION  
31-67 Art. 56B.203. AWARD NOT SUBJECT TO EXECUTION  
31-68 Art. 56B.204. ASSIGNMENT OF BENEFITS FOR LOSS ACCRUING  
31-69 IN FUTURE

32-1		SUBCHAPTER F. PAYMENTS FOR CERTAIN DISABLED PEACE OFFICERS
32-2	Art. 56B.251.	DEFINITION
32-3	Art. 56B.252.	APPLICABILITY
32-4	Art. 56B.253.	PAYMENT ENTITLEMENT
32-5	Art. 56B.254.	AMOUNT OF PAYMENT
32-6	Art. 56B.255.	METHOD OF PAYMENT
32-7	Art. 56B.256.	COST-OF-LIVING ADJUSTMENT
32-8	Art. 56B.257.	CALCULATION OF INITIAL PAYMENT
32-9	Art. 56B.258.	PROOF REQUIRED FOR PAYMENT
32-10	Art. 56B.259.	HEARING
32-11	Art. 56B.260.	JUDICIAL REVIEW
32-12	Art. 56B.261.	PERIODIC REVIEW
32-13	Art. 56B.262.	ISSUANCE OF WARRANT FOR PAYMENT
32-14	Art. 56B.263.	LIMITS ON COMPENSATION
32-15	Art. 56B.264.	APPLICATION OF OTHER LAW
32-16		SUBCHAPTER G. ATTORNEY'S FEES
32-17	Art. 56B.301.	AWARD OF ATTORNEY'S FEES
32-18	Art. 56B.302.	AMOUNT OF ATTORNEY'S FEES
32-19		SUBCHAPTER H. JUDICIAL REVIEW
32-20	Art. 56B.351.	NOTICE OF DISSATISFACTION
32-21	Art. 56B.352.	SUIT; VENUE
32-22	Art. 56B.353.	RESTRICTIONS ON ATTORNEY GENERAL DURING
32-23		JUDICIAL REVIEW
32-24	Art. 56B.354.	STANDARD OF REVIEW
32-25	Art. 56B.355.	BURDEN OF PROOF
32-26	Art. 56B.356.	ATTORNEY'S FEES
32-27	Art. 56B.357.	CALCULATION OF TIME
32-28		SUBCHAPTER I. PRIVATE ACTION
32-29	Art. 56B.401.	NOTICE OF PROPOSED PRIVATE ACTION
32-30	Art. 56B.402.	RECEIPT OF NOTICE
32-31	Art. 56B.403.	DEDUCTION FOR REASONABLE EXPENSES
32-32	Art. 56B.404.	LIMITATIONS ON RESOLUTION OF ACTION
32-33	Art. 56B.405.	CRIMINAL PENALTY
32-34		SUBCHAPTER J. FUNDS
32-35	Art. 56B.451.	DEFINITION
32-36	Art. 56B.452.	ESTABLISHMENT
32-37	Art. 56B.453.	USE OF MONEY
32-38	Art. 56B.454.	LIMITATIONS ON PAYMENTS
32-39	Art. 56B.455.	AMOUNT CARRIED FORWARD
32-40	Art. 56B.456.	TRANSFER OF MONEY FROM AUXILIARY FUND
32-41	Art. 56B.457.	GIFTS, GRANTS, AND DONATIONS
32-42	Art. 56B.458.	EMERGENCY RESERVE
32-43	Art. 56B.459.	APPROPRIATION FOR ASSOCIATE JUDGE
32-44		PROGRAM
32-45	Art. 56B.460.	APPROPRIATION FOR OTHER CRIME VICTIM
32-46		ASSISTANCE
32-47	Art. 56B.461.	USE OF AUXILIARY FUND
32-48	Art. 56B.462.	PAYERS OF LAST RESORT
32-49		SUBCHAPTER K. ADMINISTRATIVE PENALTY
32-50	Art. 56B.501.	CONDUCT SUBJECT TO PENALTY; AMOUNT OF
32-51		PENALTY
32-52	Art. 56B.502.	REPORT AND NOTICE OF VIOLATION AND
32-53		PENALTY
32-54	Art. 56B.503.	PENALTY TO BE PAID OR HEARING REQUESTED
32-55	Art. 56B.504.	HEARING
32-56	Art. 56B.505.	DECISION BY ATTORNEY GENERAL
32-57	Art. 56B.506.	OPTIONS FOLLOWING DECISION: PAY OR
32-58		APPEAL
32-59	Art. 56B.507.	COLLECTION OF PENALTY
32-60	Art. 56B.508.	DECISION BY COURT
32-61	Art. 56B.509.	REMITTANCE OF PENALTY AND INTEREST
32-62	Art. 56B.510.	RELEASE OF BOND
32-63	Art. 56B.511.	DISPOSITION OF PENALTY
32-64	Art. 56B.512.	RECOVERY OF EXPENSES
32-65	Art. 56B.513.	ADMINISTRATIVE PROCEDURE
32-66		SUBCHAPTER L. OTHER PENALTIES AND SANCTIONS
32-67	Art. 56B.551.	LETTER OF REPRIMAND
32-68	Art. 56B.552.	CIVIL PENALTY
32-		

## CHAPTER 56B. CRIME VICTIMS' COMPENSATION

## SUBCHAPTER A. GENERAL PROVISIONS

Art. 56B.001. SHORT TITLE. This chapter may be cited as the Crime Victims' Compensation Act. (Code Crim. Proc., Art. 56.31.)

Art. 56B.002. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature recognizes that many innocent individuals suffer personal injury or death as a result of criminal acts. Crime victims and persons who intervene to prevent criminal acts often suffer disabilities, incur financial burdens, or become dependent on public assistance. The legislature finds that there is a need to compensate crime victims and those who suffer personal injury or death in the prevention of crime or in the apprehension of criminals.

(b) It is the legislature's intent that the compensation of innocent victims of violent crime encourage greater public cooperation in the successful apprehension and prosecution of criminals. (Code Crim. Proc., Art. 56.311.)

Art. 56B.003. DEFINITIONS. In this chapter:

(1) "Child" means an individual younger than 18 years of age who:

(A) is not married; or

(B) has not had the disabilities of minority removed for general purposes under Chapter 31, Family Code.

(2) "Claimant" means any of the following individuals, other than a service provider, who is entitled to file or has filed a claim for compensation under this chapter:

(A) an authorized individual acting on behalf of a victim;

(B) an individual who legally assumes the obligation or who voluntarily pays medical or burial expenses of a victim incurred as a result of the criminally injurious conduct of another;

(C) a dependent of a victim who died as a result of the criminally injurious conduct;

(D) an immediate family member or a household member of a victim who, as a result of the criminally injurious conduct:

(i) requires psychiatric care or counseling;

(ii) incurs expenses for traveling to and attending a deceased victim's funeral; or

(iii) suffers wage loss from bereavement leave taken in connection with the death of the victim; or

(E) an authorized individual acting on behalf of a child described by Paragraph (C) or (D).

(3) "Collateral source" means any of the following sources of benefits or advantages for pecuniary loss that a claimant or victim has received or that is readily available to the claimant or victim from:

(A) the offender under an order of restitution to the claimant or victim that is imposed by a court as a condition of community supervision;

(B) the United States, a federal agency, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes those benefits or advantages in addition to or secondary to benefits under this chapter;

(C) social security, Medicare, or Medicaid;

(D) another state's or another country's crime victims' compensation program;

(E) workers' compensation;

(F) an employer's wage continuation program, not including vacation and sick leave benefits;

(G) proceeds of an insurance contract payable to or on behalf of the claimant or victim for loss that the claimant or victim sustained because of the criminally injurious conduct;

(H) a contract or self-funded program providing hospital and other health care services or benefits; or

(I) proceeds awarded to the claimant or victim as

34-1 a result of third-party litigation.  
34-2 (4) "Criminally injurious conduct" means conduct  
34-3 that:  
34-4 (A) occurs or is attempted;  
34-5 (B) poses a substantial threat of personal injury  
34-6 or death;  
34-7 (C) is punishable by fine, imprisonment, or  
34-8 death, or would be punishable by fine, imprisonment, or death if the  
34-9 person engaging in the conduct possessed the capacity to commit the  
34-10 conduct; and  
34-11 (D) does not arise out of the ownership,  
34-12 maintenance, or use of a motor vehicle, aircraft, or water vehicle,  
34-13 unless the conduct is:  
34-14 (i) intended to cause personal injury or  
34-15 death;  
34-16 (ii) in violation of Section 545.157 or  
34-17 545.401, Transportation Code, if the conduct results in bodily  
34-18 injury or death;  
34-19 (iii) in violation of Section 550.021,  
34-20 Transportation Code; or  
34-21 (iv) in violation of one or more of the  
34-22 following sections of the Penal Code:  
34-23 (a) Section 19.04 (manslaughter);  
34-24 (b) Section 19.05 (criminally  
34-25 negligent homicide);  
34-26 (c) Section 22.02 (aggravated  
34-27 assault);  
34-28 (d) Section 22.05 (deadly conduct);  
34-29 (e) Section 49.04 (driving while  
34-30 intoxicated);  
34-31 (f) Section 49.05 (flying while  
34-32 intoxicated);  
34-33 (g) Section 49.06 (boating while  
34-34 intoxicated);  
34-35 (h) Section 49.07 (intoxication  
34-36 assault); or  
34-37 (i) Section 49.08 (intoxication  
34-38 manslaughter).  
34-39 (5) "Dependent" means:  
34-40 (A) a surviving spouse;  
34-41 (B) a person who is a dependent, within the  
34-42 meaning of the Internal Revenue Code of 1986, of a victim; and  
34-43 (C) a posthumous child of a deceased victim.  
34-44 (6) "Family violence" has the meaning assigned by  
34-45 Section 71.004(1), Family Code.  
34-46 (7) "Household member" means an individual who:  
34-47 (A) is related by consanguinity or affinity to  
34-48 the victim; and  
34-49 (B) resided in the same permanent household as  
34-50 the victim at the time that the criminally injurious conduct  
34-51 occurred.  
34-52 (8) "Immediate family member" means an individual who  
34-53 is related to a victim within the second degree by consanguinity or  
34-54 affinity.  
34-55 (9) "Intervenor" means an individual who goes to the  
34-56 aid of another and is killed or injured in a good faith effort to:  
34-57 (A) prevent criminally injurious conduct;  
34-58 (B) apprehend a person reasonably suspected of  
34-59 having engaged in criminally injurious conduct; or  
34-60 (C) aid a peace officer.  
34-61 (10) "Pecuniary loss" means the amount of the expense  
34-62 reasonably and necessarily incurred as a result of personal injury  
34-63 or death for:  
34-64 (A) medical, hospital, nursing, or psychiatric  
34-65 care or counseling, or physical therapy;  
34-66 (B) actual loss of past earnings and anticipated  
34-67 loss of future earnings and necessary travel expenses because of:  
34-68 (i) a disability resulting from the  
34-69 personal injury;

35-1 (ii) the receipt of medically indicated  
35-2 services related to the disability; or  
35-3 (iii) participation in or attendance at  
35-4 investigative, prosecutorial, or judicial processes or any  
35-5 postconviction or postadjudication proceeding relating to  
35-6 criminally injurious conduct;  
35-7 (C) care of a child or dependent, including  
35-8 specialized care for a child who is a victim;  
35-9 (D) funeral and burial expenses, including, for  
35-10 an immediate family member or a household member of the victim, the  
35-11 necessary expenses of traveling to and attending the funeral;  
35-12 (E) loss of support to a dependent, consistent  
35-13 with Article 56B.057(b)(5);  
35-14 (F) reasonable and necessary costs of cleaning  
35-15 the crime scene;  
35-16 (G) reasonable replacement costs for clothing,  
35-17 bedding, or property of the victim seized as evidence or rendered  
35-18 unusable as a result of the criminal investigation;  
35-19 (H) reasonable and necessary costs for  
35-20 relocation and housing rental assistance payments as provided by  
35-21 Article 56B.106(c);  
35-22 (I) for an immediate family member or a household  
35-23 member of a deceased victim, bereavement leave of not more than 10  
35-24 work days; and  
35-25 (J) reasonable and necessary costs of traveling  
35-26 to and from a place of execution to witness the execution, including  
35-27 one night's lodging near the place where the execution is  
35-28 conducted.

35-29 (11) "Personal injury" means physical or mental harm.  
35-30 (12) "Sexual assault" means an offense under Section  
35-31 [21.02](#), [21.11](#)(a)(1), [22.011](#), or [22.021](#), Penal Code.  
35-32 (13) "Trafficking of persons" means any offense that  
35-33 results in a person engaging in forced labor or services, including  
35-34 sexual conduct, and that may be prosecuted under Section [20A.02](#),  
35-35 [20A.03](#), [43.03](#), [43.04](#), [43.05](#), [43.25](#), [43.251](#), or [43.26](#), Penal Code.  
35-36 (14) "Victim" means:  
35-37 (A) an individual who:  
35-38 (i) suffers personal injury or death as a  
35-39 result of criminally injurious conduct or as a result of actions  
35-40 taken by the individual as an intervenor, if the conduct or actions  
35-41 occurred in this state; and  
35-42 (ii) is a resident of this state or another  
35-43 state of the United States;  
35-44 (B) an individual who:  
35-45 (i) suffers personal injury or death as a  
35-46 result of criminally injurious conduct or as a result of actions  
35-47 taken by the individual as an intervenor, if the conduct or actions  
35-48 occurred in a state or country that does not have a crime victims'  
35-49 compensation program that meets the requirements of Section  
35-50 1403(b), Victims of Crime Act of 1984 (34 U.S.C. Section 20102(b));  
35-51 (ii) is a resident of this state; and  
35-52 (iii) would be entitled to compensation  
35-53 under this chapter if the criminally injurious conduct or actions  
35-54 had occurred in this state; or  
35-55 (C) an individual who:  
35-56 (i) suffers personal injury or death as a  
35-57 result of criminally injurious conduct caused by an act of  
35-58 international terrorism as defined by 18 U.S.C. Section 2331  
35-59 committed outside of the United States; and  
35-60 (ii) is a resident of this state.

35-61 (15) "Victim-related services or assistance" means  
35-62 compensation, services, or assistance provided directly to a victim  
35-63 or claimant to support or assist in the recovery of the victim or  
35-64 claimant from the consequences of criminally injurious conduct.  
35-65 (Code Crim. Proc., Arts. [56.01](#)(2-a), [56.32](#).)

35-66 Art. 56B.004. ADMINISTRATION; RULES. (a) The attorney  
35-67 general shall adopt rules consistent with this chapter governing  
35-68 its administration, including rules relating to the method of  
35-69 filing claims and the proof of entitlement to compensation and the

36-1 review of health care services subject to compensation under this  
36-2 chapter, Chapter 56A, and Subchapter B, Chapter 58.

36-3 (b) Subchapters A and B, Chapter 2001, Government Code,  
36-4 except Sections 2001.004(3) and 2001.005, apply to the attorney  
36-5 general.

36-6 (c) The attorney general may delegate to a person in the  
36-7 attorney general's office a power or duty given to the attorney  
36-8 general under this chapter. (Code Crim. Proc., Art. 56.33.)

36-9 Art. 56B.005. ANNUAL REPORT. Not later than the 100th day  
36-10 after the end of each state fiscal year, the attorney general shall  
36-11 submit to the governor and the legislature a report on the attorney  
36-12 general's activities during the preceding fiscal year, including a  
36-13 statistical summary of claims and awards made and denied. (Code  
36-14 Crim. Proc., Art. 56.53.)

36-15 Art. 56B.006. PUBLIC NOTICE. (a) A hospital licensed under  
36-16 the laws of this state shall display prominently in its emergency  
36-17 room posters giving notice of the existence and general provisions  
36-18 of this chapter.

36-19 (b) The attorney general shall:

36-20 (1) set standards for the location of the posters  
36-21 described by Subsection (a); and

36-22 (2) provide posters, application forms, and general  
36-23 information regarding this chapter to each hospital and physician  
36-24 licensed to practice in this state. (Code Crim. Proc., Art.  
36-25 56.60(a).)

36-26 Art. 56B.007. NOTICE BY LOCAL LAW ENFORCEMENT AGENCY. (a)  
36-27 Each local law enforcement agency shall inform a claimant or victim  
36-28 of the provisions of this chapter and make application forms  
36-29 available.

36-30 (b) The attorney general:

36-31 (1) shall:

36-32 (A) provide application forms and all other  
36-33 documents that a local law enforcement agency may require to comply  
36-34 with this article; and

36-35 (B) set standards to be followed by a local law  
36-36 enforcement agency to comply with this article; and

36-37 (2) may require a local law enforcement agency to file  
36-38 with the attorney general a description of the procedures adopted  
36-39 by the agency to comply with this article. (Code Crim. Proc., Art.  
36-40 56.60(b).)

36-41 SUBCHAPTER B. APPLICATION AND REVIEW

36-42 Art. 56B.051. APPLICATION FOR COMPENSATION. (a) An  
36-43 applicant for compensation under this chapter must apply in writing  
36-44 on a form prescribed by the attorney general.

36-45 (b) An application for compensation under this chapter must  
36-46 be verified and contain:

36-47 (1) the date on which the criminally injurious conduct  
36-48 occurred;

36-49 (2) a description of the nature and circumstances of  
36-50 the criminally injurious conduct;

36-51 (3) a complete financial statement, including:

36-52 (A) the cost of medical care or burial expenses  
36-53 and the loss of wages or support the claimant or victim has incurred  
36-54 or will incur; and

36-55 (B) the extent to which the claimant or victim  
36-56 has been indemnified for the expenses under Paragraph (A) from a  
36-57 collateral source;

36-58 (4) a statement indicating the extent of any  
36-59 disability resulting from the injury incurred;

36-60 (5) an authorization permitting the attorney general  
36-61 to verify the contents of the application; and

36-62 (6) any other information the attorney general  
36-63 requires. (Code Crim. Proc., Art. 56.36.)

36-64 Art. 56B.052. PERIOD FOR FILING APPLICATION. (a) Except as  
36-65 otherwise provided by this article, a claimant or victim must file  
36-66 an application not later than the third anniversary of the date of  
36-67 the criminally injurious conduct.

36-68 (b) The attorney general may extend the time for filing for  
36-69 good cause shown by the claimant or victim.

37-1 (c) If the victim is a child, the application must be filed  
 37-2 not later than the third anniversary of the date the claimant or  
 37-3 victim is made aware of the offense, but not after the child attains  
 37-4 21 years of age.

37-5 (d) If a claimant or victim presents medically documented  
 37-6 evidence of a physical or mental incapacity that was incurred by the  
 37-7 claimant or victim as a result of the criminally injurious conduct  
 37-8 and that reasonably prevented the claimant or victim from filing  
 37-9 the application within the limitations period under Subsection (a),  
 37-10 the period of the incapacity is not included.

37-11 (e) For a claim that is based on criminally injurious  
 37-12 conduct in violation of Chapter 19, Penal Code, the claimant must  
 37-13 file an application not later than the third anniversary of the date  
 37-14 the identity of the victim is established by a law enforcement  
 37-15 agency. (Code Crim. Proc., Art. 56.37.)

37-16 Art. 56B.053. REPORTING OF OFFENSE REQUIRED. (a) Except as  
 37-17 otherwise provided by this article, a claimant or victim may not  
 37-18 file an application unless the victim reports the criminally  
 37-19 injurious conduct to the appropriate state or local public safety  
 37-20 or law enforcement agency within a reasonable period, but not so  
 37-21 late as to interfere with or hamper the investigation and  
 37-22 prosecution of the offense after the criminally injurious conduct  
 37-23 is committed.

37-24 (b) The attorney general may extend the time for reporting  
 37-25 the criminally injurious conduct if the attorney general determines  
 37-26 that the extension is justified by extraordinary circumstances.

37-27 (c) Subsection (a) does not apply if the victim is a child.  
 37-28 (Code Crim. Proc., Art. 56.46.)

37-29 Art. 56B.054. REVIEW AND INVESTIGATION OF APPLICATION. (a)  
 37-30 The attorney general shall appoint a clerk to review each  
 37-31 application for compensation described by Article 56B.051 to ensure  
 37-32 the application is complete.

37-33 (b) The attorney general may review the actual or proposed  
 37-34 health care services for which a claimant or victim seeks  
 37-35 compensation in an application filed under Article 56B.051.

37-36 (c) The clerk shall return to the claimant or victim any  
 37-37 application that is incomplete and shall provide a brief statement  
 37-38 showing the additional information required. Not later than the  
 37-39 30th day after the date of receiving a returned application, a  
 37-40 claimant or victim may:

37-41 (1) provide the additional information; or

37-42 (2) appeal the action to the attorney general, who  
 37-43 shall review the application to determine whether the application  
 37-44 is complete.

37-45 (d) The attorney general may investigate an application.

37-46 (e) As part of the attorney general's review, verification,  
 37-47 and hearing duties under this chapter, the attorney general may:

37-48 (1) subpoena witnesses and administer oaths to  
 37-49 determine whether and the extent to which a claimant or victim  
 37-50 qualifies for an award; and

37-51 (2) as provided by Article 56B.055 and if the mental,  
 37-52 physical, or emotional condition of a claimant or victim is  
 37-53 material to the claim, order:

37-54 (A) a claimant or victim to submit to a mental or  
 37-55 physical examination by a physician or psychologist; or

37-56 (B) an autopsy of a deceased victim.

37-57 (f) On request by the attorney general and not later than  
 37-58 the 14th business day after the date of the request, a law  
 37-59 enforcement agency shall release to the attorney general all  
 37-60 reports, including witness statements and criminal history record  
 37-61 information, to allow the attorney general to determine whether a  
 37-62 claimant or victim qualifies for an award and the extent of the  
 37-63 qualification. (Code Crim. Proc., Arts. 56.38, 56.385(a).)

37-64 Art. 56B.055. MENTAL OR PHYSICAL EXAMINATION; AUTOPSY. (a)  
 37-65 For good cause shown, an order for a mental or physical examination  
 37-66 or an autopsy as provided by Article 56B.054(e)(2) may be made on  
 37-67 notice to the individual to be examined and, if applicable, to each  
 37-68 person who has appeared at a hearing under Article 56B.056.

37-69 (b) An order under Subsection (a) must:

38-1 (1) specify the time, place, manner, conditions, and  
38-2 scope of the examination or autopsy;  
38-3 (2) specify the person who is to perform the  
38-4 examination or autopsy; and  
38-5 (3) require the person performing the examination or  
38-6 autopsy to file with the attorney general a detailed written report  
38-7 of the examination or autopsy.  
38-8 (c) A report must set out the findings of the person  
38-9 performing the examination or autopsy, including:  
38-10 (1) the results of any test performed; and  
38-11 (2) any diagnosis, prognosis, or other conclusion or  
38-12 report of an earlier examination of the same condition.  
38-13 (d) On request of the individual examined, the attorney  
38-14 general shall provide to the individual a copy of the report. If  
38-15 the victim is deceased, the attorney general on request shall  
38-16 provide to the claimant a copy of the report.  
38-17 (e) A physician or psychologist performing an examination  
38-18 or autopsy under this article shall be compensated from money  
38-19 appropriated for the administration of this chapter. (Code Crim.  
38-20 Proc., Art. 56.39.)  
38-21 Art. 56B.056. HEARINGS AND PREHEARING CONFERENCES. (a)  
38-22 The attorney general shall determine whether a hearing on an  
38-23 application for compensation under this chapter is necessary.  
38-24 (b) On determining that a hearing is not necessary, the  
38-25 attorney general may approve the application in accordance with  
38-26 Article 56B.057.  
38-27 (c) On determining that a hearing is necessary or on request  
38-28 for a hearing by the claimant or victim, the attorney general shall  
38-29 consider the application at a hearing at a time and place of the  
38-30 attorney general's choosing. The attorney general shall notify all  
38-31 interested persons not later than the 10th day before the date of  
38-32 the hearing.  
38-33 (d) At the hearing the attorney general shall:  
38-34 (1) review the application for compensation and any  
38-35 report prepared under Article 56B.055 and any other evidence  
38-36 obtained as a result of the attorney general's investigation; and  
38-37 (2) receive other evidence that the attorney general  
38-38 finds necessary or desirable to evaluate the application properly.  
38-39 (e) The attorney general may appoint hearing officers to  
38-40 conduct hearings or prehearing conferences under this chapter.  
38-41 (f) A hearing or prehearing conference is open to the public  
38-42 unless the hearing officer or attorney general determines in a  
38-43 particular case that all or part of the hearing or conference should  
38-44 be held in private because a criminal suspect has not been  
38-45 apprehended or because a private hearing or conference is in the  
38-46 interest of the claimant or victim.  
38-47 (g) The attorney general may suspend the proceedings  
38-48 pending disposition of a criminal prosecution that has been  
38-49 commenced or is imminent, except that the attorney general may make  
38-50 an emergency award under Article 56B.102.  
38-51 (h) Subchapters C through H, Chapter 2001, Government Code,  
38-52 do not apply to the attorney general or the attorney general's  
38-53 orders and decisions. (Code Crim. Proc., Art. 56.40.)  
38-54 Art. 56B.057. APPROVAL OF APPLICATION. (a) The attorney  
38-55 general shall approve an application for compensation under this  
38-56 chapter if the attorney general finds by a preponderance of the  
38-57 evidence that grounds for compensation under this chapter exist.  
38-58 (b) The attorney general shall deny an application for  
38-59 compensation under this chapter if:  
38-60 (1) the criminally injurious conduct is not reported  
38-61 as provided by Article 56B.053;  
38-62 (2) the application is not made in the manner provided  
38-63 by Articles 56B.051 and 56B.052;  
38-64 (3) the claimant or victim knowingly and willingly  
38-65 participated in the criminally injurious conduct;  
38-66 (4) the claimant or victim is the offender or an  
38-67 accomplice of the offender;  
38-68 (5) an award of compensation to the claimant or victim  
38-69 would benefit the offender or an accomplice of the offender;

39-1 (6) the claimant or victim was incarcerated in a penal  
39-2 institution, as defined by Section 1.07, Penal Code, at the time the  
39-3 offense was committed; or  
39-4 (7) the claimant or victim knowingly or intentionally  
39-5 submits false or forged information to the attorney general.  
39-6 (c) Subsection (b)(3) does not apply to a claimant or victim  
39-7 who seeks compensation for criminally injurious conduct that is:  
39-8 (1) in violation of Section 20A.02(a)(7), Penal Code;  
39-9 or  
39-10 (2) trafficking of persons, other than an offense  
39-11 described by Subdivision (1), if the criminally injurious conduct  
39-12 the claimant or victim participated in was the result of force,  
39-13 fraud, or coercion.  
39-14 (d) Except as provided by rules adopted by the attorney  
39-15 general to prevent the unjust enrichment of an offender, the  
39-16 attorney general may not deny an award otherwise payable to a  
39-17 claimant or victim because the claimant or victim:  
39-18 (1) is an immediate family member of the offender; or  
39-19 (2) resides in the same household as the offender.  
39-20 (Code Crim. Proc., Art. 56.41.)  
39-21 Art. 56B.058. DISCLOSURE AND USE OF INFORMATION. (a) This  
39-22 article does not apply to information made confidential by law.  
39-23 (b) An application for compensation under this chapter and  
39-24 any information, document, summary, or other record provided to or  
39-25 received, maintained, or created by the attorney general under this  
39-26 chapter is:  
39-27 (1) except as provided by Section 552.132(c),  
39-28 Government Code, not subject to disclosure under Chapter 552 of  
39-29 that code; and  
39-30 (2) except as provided by Subsection (c), not subject  
39-31 to disclosure, discovery, subpoena, or other means of legal  
39-32 compulsion for release.  
39-33 (c) The attorney general may not release or disclose an  
39-34 application for compensation under this chapter, or any  
39-35 information, document, summary, or other record provided to or  
39-36 received, maintained, or created by the attorney general under this  
39-37 chapter, except:  
39-38 (1) by court order for good cause shown, if the order  
39-39 includes a finding that the information is not available from any  
39-40 other source;  
39-41 (2) with the consent of:  
39-42 (A) the claimant or victim; or  
39-43 (B) the person that provided the information to  
39-44 the attorney general;  
39-45 (3) to an employee or other person under the direction  
39-46 of the attorney general;  
39-47 (4) to another crime victims' compensation program  
39-48 that meets the requirements of 34 U.S.C. Section 20102(b);  
39-49 (5) to a person authorized by the attorney general to  
39-50 receive the information to:  
39-51 (A) conduct an audit as required by state or  
39-52 federal law;  
39-53 (B) provide a review or examination under Article  
39-54 56B.054 or 56B.055 or under another provision of this chapter to  
39-55 determine the appropriateness of an award under this chapter;  
39-56 (C) prevent, deter, or punish fraud related to  
39-57 this chapter; or  
39-58 (D) assert subrogation or restitution rights;  
39-59 (6) as the attorney general determines necessary to  
39-60 enforce this chapter, including presenting the application,  
39-61 information, document, summary, or record in court; or  
39-62 (7) in response to a subpoena that is issued in a  
39-63 criminal proceeding and that requests an application for  
39-64 compensation under this chapter, subject to Subsection (d).  
39-65 (d) In responding to a subpoena described by Subsection  
39-66 (c)(7), the attorney general shall release only the victim's  
39-67 completed application form as described by Article 56B.051(a) after  
39-68 redacting any confidential information described by Section  
39-69 552.132(b), Government Code. The release of a victim's completed

40-1 application form under this subsection does not affect the  
40-2 authority of the court to order the release or disclosure of  
40-3 additional information under this article. (Code Crim. Proc., Art.  
40-4 56.65.)

40-5 SUBCHAPTER C. AWARD OF COMPENSATION

40-6 Art. 56B.101. TYPES OF ASSISTANCE. (a) On approving an  
40-7 application for compensation under Article 56B.057, the attorney  
40-8 general shall determine the type of state assistance that will best  
40-9 aid the claimant or victim.

40-10 (b) The attorney general may:

40-11 (1) authorize a cash payment to or on behalf of a  
40-12 claimant or victim for pecuniary loss;

40-13 (2) refer a claimant or victim to a state agency for  
40-14 vocational or other rehabilitative services; or

40-15 (3) provide counseling services for a claimant or  
40-16 victim or contract with a private entity to provide counseling  
40-17 services. (Code Crim. Proc., Art. 56.35.)

40-18 Art. 56B.102. EMERGENCY AWARD. (a) Before acting on an  
40-19 application for compensation under this chapter, the attorney  
40-20 general may make an emergency award if it appears likely that:

40-21 (1) a final award will be made; and

40-22 (2) the claimant or victim will suffer undue hardship  
40-23 if immediate economic relief is not obtained.

40-24 (b) An emergency award may not exceed \$1,500.

40-25 (c) The amount of an emergency award must be:

40-26 (1) deducted from the final award; or

40-27 (2) repaid by and recoverable from the claimant or  
40-28 victim to the extent the emergency award exceeds the final award.  
40-29 (Code Crim. Proc., Art. 56.50.)

40-30 Art. 56B.103. COMPENSATION FOR PECUNIARY LOSS. (a) The  
40-31 attorney general shall award compensation for pecuniary loss  
40-32 arising from criminally injurious conduct if the attorney general  
40-33 is satisfied by a preponderance of the evidence that the  
40-34 requirements of this chapter are met.

40-35 (b) The attorney general shall establish whether, as a  
40-36 direct result of criminally injurious conduct, a claimant or victim  
40-37 suffered personal injury or death that resulted in a pecuniary loss  
40-38 for which the claimant or victim is not compensated from a  
40-39 collateral source. (Code Crim. Proc., Arts. 56.34(a), (b).)

40-40 Art. 56B.104. COMPENSATION FOR HEALTH CARE SERVICES. (a)  
40-41 The attorney general shall award compensation for health care  
40-42 services according to the medical fee guidelines prescribed by  
40-43 Subtitle A, Title 5, Labor Code.

40-44 (b) The attorney general, a claimant, or a victim is not  
40-45 liable for health care service charges that exceed the medical fee  
40-46 guidelines. A health care provider shall accept compensation from  
40-47 the attorney general as payment in full for the charges unless an  
40-48 investigation of the charges by the attorney general determines  
40-49 that there is a reasonable health care justification for the  
40-50 deviation from the guidelines.

40-51 (c) The attorney general may not compensate a claimant or  
40-52 victim for health care services that the attorney general  
40-53 determines are not medically necessary.

40-54 (d) The attorney general, a claimant, or a victim is not  
40-55 liable for a charge that is not medically necessary. (Code Crim.  
40-56 Proc., Arts. 56.34(c), (d), 56.385(b), (c).)

40-57 Art. 56B.105. COMPENSATION FOR CERTAIN CRIMINALLY  
40-58 INJURIOUS CONDUCT PROHIBITED. (a) Except as provided by  
40-59 Subsection (b), the attorney general may not award compensation for  
40-60 pecuniary loss arising from criminally injurious conduct that  
40-61 occurred before January 1, 1980.

40-62 (b) The attorney general may award compensation for  
40-63 pecuniary loss arising from criminally injurious conduct that  
40-64 occurred before January 1, 1980, if:

40-65 (1) the conduct was in violation of Chapter 19, Penal  
40-66 Code;

40-67 (2) the identity of the victim is established by a law  
40-68 enforcement agency on or after January 1, 2009; and

40-69 (3) the claimant files the application for

41-1 compensation within the limitations period provided by Article  
 41-2 56B.052(e). (Code Crim. Proc., Art. 56.61.)

41-3 Art. 56B.106. LIMITS ON COMPENSATION. (a) Except as  
 41-4 otherwise provided by this article, awards payable to a victim and  
 41-5 any other claimant sustaining pecuniary loss because of injury or  
 41-6 death of that victim may not exceed \$50,000 in the aggregate.

41-7 (b) In addition to an award payable under Subsection (a),  
 41-8 the attorney general may award not more than \$75,000 for  
 41-9 extraordinary pecuniary loss if the personal injury to a victim is  
 41-10 catastrophic and results in a total and permanent disability to the  
 41-11 victim. An award described by this subsection may be made for lost  
 41-12 wages and the reasonable and necessary costs of:

- 41-13 (1) making a home or motor vehicle accessible;
- 41-14 (2) obtaining job training and vocational  
 41-15 rehabilitation;
- 41-16 (3) training in the use of a special appliance;
- 41-17 (4) receiving home health care;
- 41-18 (5) durable medical equipment;
- 41-19 (6) rehabilitation technology; and
- 41-20 (7) long-term medical expenses incurred as a result of  
 41-21 medically indicated treatment for the personal injury.

41-22 (c) A victim who is a victim of stalking, family violence,  
 41-23 or trafficking of persons, or a victim of sexual assault who is  
 41-24 assaulted in the victim's place of residence, may receive a  
 41-25 one-time assistance payment in an amount not to exceed:

- 41-26 (1) \$2,000 to be used for relocation expenses,  
 41-27 including expenses for rental deposit, utility connections,  
 41-28 expenses relating to moving belongings, motor vehicle mileage  
 41-29 expenses, and for an out-of-state move, transportation, lodging,  
 41-30 and meals; and
- 41-31 (2) \$1,800 to be used for housing rental expenses.

41-32 (d) An immediate family member or household member of a  
 41-33 deceased victim may not receive more than \$1,000 in lost wages as a  
 41-34 result of bereavement leave taken by the family or household  
 41-35 member.

41-36 (e) The attorney general by rule may establish a limitation  
 41-37 on any other pecuniary loss compensated under this chapter,  
 41-38 including a limitation on pecuniary loss incurred as a result of a  
 41-39 claimant's travel to and attendance of a deceased victim's funeral.  
 41-40 (Code Crim. Proc., Art. 56.42.)

41-41 Art. 56B.107. DENIAL OR REDUCTION OF AWARD. (a) The  
 41-42 attorney general may deny or reduce an award otherwise payable:

- 41-43 (1) if the claimant or victim has not substantially  
 41-44 cooperated with an appropriate law enforcement agency;
- 41-45 (2) if, as a result of the claimant's or victim's  
 41-46 behavior, the claimant or victim bears a share of the  
 41-47 responsibility for the act or omission giving rise to the claim;
- 41-48 (3) to the extent that pecuniary loss is recouped from  
 41-49 a collateral source; or
- 41-50 (4) if the claimant or victim was engaging in an  
 41-51 activity that at the time of the criminally injurious conduct was  
 41-52 prohibited by law, including a rule.

41-53 (b) Subsection (a)(4) does not apply to a claimant or victim  
 41-54 who seeks compensation for criminally injurious conduct that is:

- 41-55 (1) in violation of Section 20A.02(a)(7), Penal Code;  
 41-56 or
- 41-57 (2) trafficking of persons, other than an offense  
 41-58 described by Subdivision (1), if the activity the claimant or  
 41-59 victim engaged in was the result of force, fraud, or coercion.  
 41-60 (Code Crim. Proc., Art. 56.45.)

41-61 Art. 56B.108. RECONSIDERATION. (a) On the attorney  
 41-62 general's own motion or on request of a claimant or victim, the  
 41-63 attorney general may reconsider:

- 41-64 (1) a decision to make or deny an award; or
- 41-65 (2) the amount of an award.

41-66 (b) At least annually, the attorney general shall  
 41-67 reconsider each award being paid in installments.

41-68 (c) On reconsideration, the attorney general may order the  
 41-69 refund of an award if:

42-1 (1) the award was obtained by fraud or mistake; or  
 42-2 (2) newly discovered evidence shows the claimant or  
 42-3 victim to be ineligible for the award under Article 56B.057 or  
 42-4 56B.107. (Code Crim. Proc., Art. 56.47.)

42-5 SUBCHAPTER D. PAYMENT OF AWARD

42-6 Art. 56B.151. METHOD OF PAYMENT. The attorney general may  
 42-7 pay an award in a lump sum or in installments as provided by this  
 42-8 subchapter. (Code Crim. Proc., Art. 56.44(a) (part).)

42-9 Art. 56B.152. PAYMENT FOR PECUNIARY LOSS ACCRUED AT TIME OF  
 42-10 AWARD. The attorney general shall pay in a lump sum the part of an  
 42-11 award equal to the amount of pecuniary loss accrued to the date of  
 42-12 the award. (Code Crim. Proc., Art. 56.44(a) (part).)

42-13 Art. 56B.153. PAYMENT FOR PECUNIARY LOSS ACCRUED AFTER TIME  
 42-14 OF AWARD. (a) Except as provided by Subsection (b), the attorney  
 42-15 general shall pay in installments the part of an award for allowable  
 42-16 expenses that accrue after the award is made.

42-17 (b) At the request of the claimant or victim, the attorney  
 42-18 general may pay in a lump sum an award for future pecuniary loss if  
 42-19 the attorney general finds that:

42-20 (1) paying the award in a lump sum will promote the  
 42-21 interests of the claimant or victim; or

42-22 (2) the present value of all future pecuniary loss  
 42-23 does not exceed \$1,000.

42-24 (c) The attorney general may not pay in installments an  
 42-25 award for future pecuniary loss for a period for which the attorney  
 42-26 general cannot reasonably determine the future pecuniary loss.  
 42-27 (Code Crim. Proc., Arts. 56.44(a) (part), (b), (c).)

42-28 Art. 56B.154. RECIPIENT OF PAYMENT. The attorney general  
 42-29 may make payments only to an individual who is a claimant or a  
 42-30 victim or to a provider on the individual's behalf. (Code Crim.  
 42-31 Proc., Art. 56.44(d).)

42-32 SUBCHAPTER E. GENERAL PROVISIONS RELATING TO PAYMENT

42-33 Art. 56B.201. ADJUSTMENT OF AWARDS AND PAYMENTS. (a) The  
 42-34 attorney general shall establish a policy to adjust awards and  
 42-35 payments so that the total amount of awards granted in each calendar  
 42-36 year does not exceed the amount of money credited to the  
 42-37 compensation to victims of crime fund during that year.

42-38 (b) On the establishment of a policy under Subsection (a),  
 42-39 the attorney general, the claimant, or the victim is not liable for  
 42-40 the amount of incurred charges exceeding the adjusted amount for  
 42-41 the service on which the adjusted payment is determined.

42-42 (c) A service provider who accepts a payment that has been  
 42-43 adjusted by a policy established under Subsection (a) agrees to  
 42-44 accept the adjusted payment as payment in full for the service and  
 42-45 is barred from legal action against the claimant or victim for  
 42-46 collection. (Code Crim. Proc., Arts. 56.34(e), 56.58.)

42-47 Art. 56B.202. SUBROGATION. If compensation is awarded  
 42-48 under this chapter, the state is subrogated to all the claimant's or  
 42-49 victim's rights to receive or recover benefits for pecuniary loss  
 42-50 to the extent compensation is awarded from a collateral source.  
 42-51 (Code Crim. Proc., Art. 56.51.)

42-52 Art. 56B.203. AWARD NOT SUBJECT TO EXECUTION. (a) Except  
 42-53 as provided by Subsection (b), an award is not subject to execution,  
 42-54 attachment, garnishment, or other process.

42-55 (b) An award is not exempt from a claim of a creditor to the  
 42-56 extent that the creditor provided a product, service, or  
 42-57 accommodation, the cost of which is included in the award. (Code  
 42-58 Crim. Proc., Art. 56.49(a).)

42-59 Art. 56B.204. ASSIGNMENT OF BENEFITS FOR LOSS ACCRUING IN  
 42-60 FUTURE. (a) Except as provided by Subsections (b) and (c), an  
 42-61 assignment of or agreement to assign a right to benefits for loss  
 42-62 accruing in the future is unenforceable.

42-63 (b) An assignment of a right to benefits for loss of  
 42-64 earnings is enforceable to secure payment of alimony, maintenance,  
 42-65 or child support.

42-66 (c) An assignment of a right to benefits is enforceable to  
 42-67 the extent that the benefits are for the cost of a product, service,  
 42-68 or accommodation:

42-69 (1) made necessary by the injury or death on which the

43-1 claim is based; and  
 43-2 (2) provided or to be provided by the assignee. (Code  
 43-3 Crim. Proc., Art. 56.49(b).)

43-4 SUBCHAPTER F. PAYMENTS FOR CERTAIN DISABLED PEACE OFFICERS

43-5 Art. 56B.251. DEFINITION. In this subchapter, "peace  
 43-6 officer" means an individual elected, appointed, or employed to  
 43-7 serve as a peace officer for a governmental entity under Article  
 43-8 2.12 or other law. The term includes a former peace officer who is  
 43-9 entitled to receive payments under this subchapter because of an  
 43-10 injury suffered while performing duties as a peace officer. (Code  
 43-11 Crim. Proc., Art. 56.542(a).)

43-12 Art. 56B.252. APPLICABILITY. This subchapter applies only  
 43-13 to a peace officer who is employed by this state or a local  
 43-14 governmental entity in this state and who sustains an injury in the  
 43-15 performance of the officer's duties as a peace officer as a result  
 43-16 of criminally injurious conduct on or after September 1, 1989.  
 43-17 (Code Crim. Proc., Art. 56.542(b) (part).)

43-18 Art. 56B.253. PAYMENT ENTITLEMENT. A peace officer to whom  
 43-19 this subchapter applies is entitled to an annual payment in the  
 43-20 amount described by Article 56B.254 if the officer presents  
 43-21 evidence satisfactory to the attorney general that:

43-22 (1) the officer's condition is a total disability  
 43-23 resulting in permanent incapacity for work; and

43-24 (2) the total disability has persisted for more than  
 43-25 12 months. (Code Crim. Proc., Art. 56.542(b) (part).)

43-26 Art. 56B.254. AMOUNT OF PAYMENT. The amount of an annual  
 43-27 payment under this subchapter is equal to the difference between:

43-28 (1) any amount received by the peace officer for the  
 43-29 injury or disability from another source of income, including  
 43-30 settlements related to the injury or disability, insurance  
 43-31 benefits, federal disability benefits, workers' compensation  
 43-32 benefits, and benefits from another governmental entity, if those  
 43-33 amounts do not exceed the amount described by Subdivision (2); and

43-34 (2) an amount equal to the officer's average annual  
 43-35 salary during the officer's final three years as a peace officer.  
 43-36 (Code Crim. Proc., Art. 56.542(b) (part).)

43-37 Art. 56B.255. METHOD OF PAYMENT. A peace officer who is  
 43-38 entitled to an annual payment under Article 56B.253 may elect to  
 43-39 receive the payment in:

43-40 (1) a single payment paid each year; or

43-41 (2) equal monthly installments. (Code Crim. Proc.,  
 43-42 Art. 56.542(1).)

43-43 Art. 56B.256. COST-OF-LIVING ADJUSTMENT. (a) The amount  
 43-44 of a payment under Article 56B.254 is subject to an annual  
 43-45 cost-of-living adjustment calculated by the attorney general.

43-46 (b) The attorney general shall calculate the amount of the  
 43-47 cost-of-living adjustment by multiplying the amount of the annual  
 43-48 payment received by the peace officer under this subchapter during  
 43-49 the preceding year by the percentage by which the Consumer Price  
 43-50 Index for All Urban Consumers published by the Bureau of Labor  
 43-51 Statistics of the United States Department of Labor, or its  
 43-52 successor index, increased during the preceding calendar year.  
 43-53 (Code Crim. Proc., Art. 56.542(c).)

43-54 Art. 56B.257. CALCULATION OF INITIAL PAYMENT. The attorney  
 43-55 general shall calculate the amount of an initial payment based on an  
 43-56 injury suffered after September 1, 1989, by:

43-57 (1) calculating the amount to which the peace officer  
 43-58 is entitled under Article 56B.254; and

43-59 (2) adding to that amount the cumulative successive  
 43-60 cost-of-living adjustments for the intervening years calculated  
 43-61 from the date of the injury. (Code Crim. Proc., Art. 56.542(d).)

43-62 Art. 56B.258. PROOF REQUIRED FOR PAYMENT. To receive a  
 43-63 payment under this subchapter, a peace officer must provide to the  
 43-64 attorney general:

43-65 (1) proof that the injury:

43-66 (A) was sustained in the performance of the  
 43-67 applicant's duties as a peace officer; and

43-68 (B) is a total disability resulting in permanent  
 43-69 incapacity for work; and

44-1 (2) any other information or evidence the attorney  
44-2 general requires. (Code Crim. Proc., Art. 56.542(e).)

44-3 Art. 56B.259. HEARING. The attorney general may approve  
44-4 the application without a hearing or may conduct a hearing under  
44-5 Article 56B.056. (Code Crim. Proc., Art. 56.542(f) (part).)

44-6 Art. 56B.260. JUDICIAL REVIEW. The decision of the  
44-7 attorney general is subject to judicial review under Subchapter H.  
44-8 (Code Crim. Proc., Art. 56.542(f) (part).)

44-9 Art. 56B.261. PERIODIC REVIEW. The attorney general may  
44-10 appoint a panel of physicians to periodically review each  
44-11 application for assistance under this subchapter to ensure the  
44-12 validity of the application and the necessity of continued  
44-13 assistance to the peace officer. (Code Crim. Proc., Art.  
44-14 56.542(g).)

44-15 Art. 56B.262. ISSUANCE OF WARRANT FOR PAYMENT. (a) The  
44-16 attorney general shall notify the comptroller of the attorney  
44-17 general's determination that a claim under this subchapter is valid  
44-18 and justifies payment. On receipt of the notice, the comptroller  
44-19 shall issue a warrant to or on behalf of the peace officer in the  
44-20 proper amount from amounts in the compensation to victims of crime  
44-21 fund. A payment under this subchapter to or on behalf of a peace  
44-22 officer is payable as soon as possible after the attorney general  
44-23 notifies the comptroller.

44-24 (b) The attorney general and the comptroller by rule shall  
44-25 adopt a memorandum of understanding to establish procedures under  
44-26 which annual payments continue to a peace officer until continued  
44-27 assistance is no longer necessary. (Code Crim. Proc., Arts.  
44-28 56.542(h), (i).)

44-29 Art. 56B.263. LIMITS ON COMPENSATION. The total aggregate  
44-30 amount of all annual payments made to an individual peace officer  
44-31 under this subchapter may not exceed \$200,000. The limits on  
44-32 compensation imposed by Article 56B.106 do not apply to payments  
44-33 made under this subchapter. (Code Crim. Proc., Art. 56.542(k).)

44-34 Art. 56B.264. APPLICATION OF OTHER LAW. (a) Article  
44-35 56B.052 does not apply to the filing of an application under this  
44-36 subchapter.

44-37 (b) Other provisions of this chapter apply to this  
44-38 subchapter to the extent applicable and consistent with this  
44-39 subchapter. (Code Crim. Proc., Art. 56.542(j).)

#### 44-40 SUBCHAPTER G. ATTORNEY'S FEES

44-41 Art. 56B.301. AWARD OF ATTORNEY'S FEES. (a) As part of an  
44-42 order, the attorney general shall determine and award reasonable  
44-43 attorney's fees commensurate with legal services rendered, to be  
44-44 paid by the state to the attorney representing the claimant or  
44-45 victim.

44-46 (b) Attorney's fees may be denied on a finding that the  
44-47 claim or appeal is frivolous.

44-48 (c) An award of attorney's fees is in addition to an award of  
44-49 compensation.

44-50 (d) Attorney's fees may not be paid to an attorney of a  
44-51 claimant or victim unless an award is made to the claimant or  
44-52 victim. (Code Crim. Proc., Arts. 56.43(a) (part), (b), (c), (e).)

44-53 Art. 56B.302. AMOUNT OF ATTORNEY'S FEES. (a) Attorney's  
44-54 fees may not exceed 25 percent of the amount of the award the  
44-55 attorney assisted the claimant or victim in obtaining.

44-56 (b) If there is no dispute of the attorney general's  
44-57 determination of the amount due to the claimant or victim and a  
44-58 hearing is not held, the attorney's fee shall be the lesser of:

44-59 (1) 25 percent of the amount the attorney assisted the  
44-60 claimant or victim in obtaining; or

44-61 (2) \$300.

44-62 (c) An attorney may not contract for or receive an amount  
44-63 that exceeds the amount allowed under this article. (Code Crim.  
44-64 Proc., Arts. 56.43(a) (part), (d).)

#### 44-65 SUBCHAPTER H. JUDICIAL REVIEW

44-66 Art. 56B.351. NOTICE OF DISSATISFACTION. Not later than  
44-67 the 40th day after the date the attorney general renders a final  
44-68 decision, a claimant or victim may file with the attorney general a  
44-69 notice of dissatisfaction with the decision. (Code Crim. Proc.,

45-1 Art. 56.48(a) (part).)

45-2 Art. 56B.352. SUIT; VENUE. Not later than the 40th day  
45-3 after the date the claimant or victim gives notice of  
45-4 dissatisfaction under Article 56B.351, the claimant or victim must  
45-5 bring suit in:

45-6 (1) the district court having jurisdiction in the  
45-7 county in which:

45-8 (A) the injury or death occurred; or

45-9 (B) the victim resided at the time of the injury  
45-10 or death; or

45-11 (2) if the victim resided out of state at the time of  
45-12 the injury or death:

45-13 (A) the district court having jurisdiction in the  
45-14 county in which the injury or death occurred; or

45-15 (B) a district court in Travis County. (Code  
45-16 Crim. Proc., Art. 56.48(a) (part).)

45-17 Art. 56B.353. RESTRICTIONS ON ATTORNEY GENERAL DURING  
45-18 JUDICIAL REVIEW. While judicial review of a decision by the  
45-19 attorney general is pending, the attorney general:

45-20 (1) shall suspend payments to the claimant or victim;  
45-21 and

45-22 (2) may not reconsider the award. (Code Crim. Proc.,  
45-23 Art. 56.48(b).)

45-24 Art. 56B.354. STANDARD OF REVIEW. The court shall  
45-25 determine the issues by trial de novo. (Code Crim. Proc., Art.  
45-26 56.48(c) (part).)

45-27 Art. 56B.355. BURDEN OF PROOF. The burden of proof is on  
45-28 the claimant or victim filing the notice of dissatisfaction. (Code  
45-29 Crim. Proc., Art. 56.48(c) (part).)

45-30 Art. 56B.356. ATTORNEY'S FEES. In the event of judicial  
45-31 review, a court may award as attorney's fees an amount not to exceed  
45-32 25 percent of the total recovery by the claimant or victim. (Code  
45-33 Crim. Proc., Art. 56.48(d).)

45-34 Art. 56B.357. CALCULATION OF TIME. In calculating a period  
45-35 under Article 56B.351 or 56B.352, if the last day is a legal holiday  
45-36 or Sunday, the last day is not counted, and the time is extended to  
45-37 include the next business day. (Code Crim. Proc., Art. 56.48(e).)

45-38 SUBCHAPTER I. PRIVATE ACTION

45-39 Art. 56B.401. NOTICE OF PROPOSED PRIVATE ACTION. Before a  
45-40 claimant or victim may bring an action to recover damages related to  
45-41 criminally injurious conduct for which compensation under this  
45-42 chapter is claimed or awarded, the claimant or victim must give the  
45-43 attorney general written notice of the proposed action. (Code  
45-44 Crim. Proc., Art. 56.52(a) (part).)

45-45 Art. 56B.402. RECEIPT OF NOTICE. After receiving notice  
45-46 under Article 56B.401, the attorney general shall promptly:

45-47 (1) join in the action as a party plaintiff to recover  
45-48 benefits awarded;

45-49 (2) require the claimant or victim to bring the action  
45-50 in the claimant's or victim's name as a trustee on behalf of the  
45-51 state to recover benefits awarded; or

45-52 (3) reserve the attorney general's rights and take  
45-53 neither action described by Subdivision (1) or (2). (Code Crim.  
45-54 Proc., Art. 56.52(a) (part).)

45-55 Art. 56B.403. DEDUCTION FOR REASONABLE EXPENSES. (a) A  
45-56 claimant or victim who brings an action as a trustee as described by  
45-57 Article 56B.402(2) and recovers compensation awarded by the  
45-58 attorney general may deduct from the benefits recovered on behalf  
45-59 of the state the reasonable expenses of the suit, including  
45-60 attorney's fees, expended in pursuing the recovery for the state.

45-61 (b) The claimant or victim must justify a deduction under  
45-62 Subsection (a) to the attorney general in writing on a form provided  
45-63 by the attorney general. (Code Crim. Proc., Art. 56.52(b).)

45-64 Art. 56B.404. LIMITATIONS ON RESOLUTION OF ACTION. (a) A  
45-65 claimant or victim may not settle or otherwise resolve any such  
45-66 action without the attorney general's written authorization.

45-67 (b) A third party or agent, insurer, or attorney of a third  
45-68 party may not participate in the settlement or other resolution of  
45-69 such an action if the third party, agent, insurer, or attorney

46-1 actually knows, or should know, that the claimant or victim has  
 46-2 received money from the compensation to victims of crime fund and is  
 46-3 subject to the subrogation provisions of this subchapter.

46-4 (c) Any attempt by a third party or agent, insurer, or  
 46-5 attorney of a third party to settle an action is void and does not  
 46-6 result in a release from liability to the compensation to victims of  
 46-7 crime fund for any rights subrogated under this subchapter.

46-8 (d) An agent, insurer, or attorney described by this article  
 46-9 is personally liable to the compensation to victims of crime fund  
 46-10 for any money paid to a claimant or victim in violation of this  
 46-11 article, in an amount not to exceed the full amount of the fund's  
 46-12 right to reimbursement. (Code Crim. Proc., Art. 56.52(c) (part).)

46-13 Art. 56B.405. CRIMINAL PENALTY. (a) A claimant, victim, or  
 46-14 third party, or an agent, insurer, or attorney of a third party,  
 46-15 commits an offense if the person knowingly fails to comply with the  
 46-16 requirements of this chapter, Chapter 56A, or Subchapter B, Chapter  
 46-17 58.

46-18 (b) An offense under Subsection (a) is a Class B  
 46-19 misdemeanor, except that any fine imposed may not exceed \$500.  
 46-20 (Code Crim. Proc., Arts. 56.52(c) (part), (d).)

#### 46-21 SUBCHAPTER J. FUNDS

46-22 Art. 56B.451. DEFINITION. In this subchapter, "fund" means  
 46-23 the compensation to victims of crime fund. (New.)

46-24 Art. 56B.452. ESTABLISHMENT. (a) The compensation to  
 46-25 victims of crime fund is in the state treasury.

46-26 (b) Section 403.095, Government Code, does not apply to the  
 46-27 fund. (Code Crim. Proc., Arts. 56.54(a), (g) (part).)

46-28 Art. 56B.453. USE OF MONEY. (a) Money in the fund may be  
 46-29 used only as provided by this chapter and is not available for any  
 46-30 other purpose.

46-31 (b) Except as provided by Subsection (d) and Articles  
 46-32 56B.455, 56B.458, 56B.459, and 56B.460, the fund may be used only by  
 46-33 the attorney general to pay compensation to claimants or victims  
 46-34 under this chapter.

46-35 (c) For purposes of Subsection (b), compensation to  
 46-36 claimants or victims includes money allocated from the fund to the  
 46-37 Crime Victims' Institute created by Section 96.65, Education Code,  
 46-38 for the operation of the institute and for other expenses in  
 46-39 administering this chapter. The institute shall use money  
 46-40 allocated from the fund only for the purposes of Sections 96.65,  
 46-41 96.651, and 96.652, Education Code.

46-42 (d) The attorney general may use the fund to:

46-43 (1) reimburse a law enforcement agency for the  
 46-44 reasonable costs of a forensic medical examination that are  
 46-45 incurred by the agency under Subchapter F or G, Chapter 56A; and

46-46 (2) make a payment to or on behalf of an individual for  
 46-47 the reasonable costs incurred for medical care provided under  
 46-48 Subchapter F or G, Chapter 56A, in accordance with Section 323.004,  
 46-49 Health and Safety Code. (Code Crim. Proc., Arts. 56.54(b), (g)  
 46-50 (part), (k).)

46-51 Art. 56B.454. LIMITATIONS ON PAYMENTS. (a) The attorney  
 46-52 general may not make compensation payments that exceed the amount  
 46-53 of money available in the fund.

46-54 (b) General revenue funds may not be used for payments under  
 46-55 this chapter. (Code Crim. Proc., Arts. 56.54(d), (e).)

46-56 Art. 56B.455. AMOUNT CARRIED FORWARD. An amount of money  
 46-57 deposited to the credit of the fund not to exceed one-quarter of the  
 46-58 amount disbursed from that fund in the form of compensation  
 46-59 payments during a state fiscal year shall be carried forward into  
 46-60 the next succeeding state fiscal year and applied toward the amount  
 46-61 listed in that fiscal year's method of financing. (Code Crim.  
 46-62 Proc., Art. 56.54(h).)

46-63 Art. 56B.456. TRANSFER OF MONEY FROM AUXILIARY FUND. (a)  
 46-64 Not later than September 15 of each year, the attorney general,  
 46-65 after consulting with the comptroller, shall certify the amount of  
 46-66 money remaining in the compensation to victims of crime auxiliary  
 46-67 fund at the end of the preceding state fiscal year.

46-68 (b) If the amount remaining in the compensation to victims  
 46-69 of crime auxiliary fund as certified under Subsection (a) exceeds

47-1 \$5 million, as soon as practicable after the date of certification,  
 47-2 the attorney general may transfer to the fund an amount that is not  
 47-3 more than 50 percent of the excess amount in the auxiliary fund.  
 47-4 Money transferred under this subsection may be used only to make  
 47-5 compensation payments during the state fiscal year in which the  
 47-6 amount is transferred. (Code Crim. Proc., Art. 56.54(m).)

47-7 Art. 56B.457. GIFTS, GRANTS, AND DONATIONS. (a) The  
 47-8 attorney general may accept gifts, grants, and donations to be  
 47-9 credited to the fund.

47-10 (b) The attorney general shall file annually with the  
 47-11 governor and the presiding officer of each house of the legislature  
 47-12 a complete and detailed written report accounting for all gifts,  
 47-13 grants, and donations received and disbursed, used, or maintained  
 47-14 by the attorney general that are credited to the fund. (Code Crim.  
 47-15 Proc., Art. 56.54(f).)

47-16 Art. 56B.458. EMERGENCY RESERVE. (a) If the amount  
 47-17 available in the fund is sufficient in a state fiscal year to make  
 47-18 all compensation payments, the attorney general may retain any  
 47-19 portion of the fund that was deposited during the fiscal year that  
 47-20 exceeded compensation payments made during that fiscal year as an  
 47-21 emergency reserve for the next fiscal year. The emergency reserve  
 47-22 may not exceed \$10,000,000.

47-23 (b) The emergency reserve may be used only:

47-24 (1) to make compensation awards in claims; and

47-25 (2) to provide emergency relief and assistance,  
 47-26 including crisis intervention, emergency housing, travel, food, or  
 47-27 expenses and technical assistance expenses incurred in  
 47-28 implementing this article in incidents resulting from an act of  
 47-29 mass violence or from an act of international terrorism as defined  
 47-30 by 18 U.S.C. Section 2331, occurring in this state or for Texas  
 47-31 residents injured or killed in an act of terrorism outside of the  
 47-32 United States. (Code Crim. Proc., Art. 56.54(i).)

47-33 Art. 56B.459. APPROPRIATION FOR ASSOCIATE JUDGE PROGRAM.  
 47-34 The legislature may appropriate money in the fund to administer the  
 47-35 associate judge program under Subchapter C, Chapter 201, Family  
 47-36 Code. (Code Crim. Proc., Art. 56.54(j).)

47-37 Art. 56B.460. APPROPRIATION FOR OTHER CRIME VICTIM  
 47-38 ASSISTANCE. (a) Not later than December 15 of each even-numbered  
 47-39 year, the attorney general, after consulting with the comptroller,  
 47-40 shall prepare forecasts and certify estimates of:

47-41 (1) the amount of money in the fund that the attorney  
 47-42 general anticipates will remain unexpended at the end of the  
 47-43 current state fiscal year and that is available for appropriation  
 47-44 in the next state fiscal biennium;

47-45 (2) the amount of money that the attorney general  
 47-46 anticipates will be received from deposits made to the credit of the  
 47-47 fund during the next state fiscal biennium, other than deposits of:

47-48 (A) gifts, grants, and donations; and

47-49 (B) money received from the United States; and

47-50 (3) the amount of money from the fund that the attorney  
 47-51 general anticipates will be obligated during the next state fiscal  
 47-52 biennium to comply with this chapter, Chapter 56A, and Subchapter  
 47-53 B, Chapter 58.

47-54 (b) At the time the attorney general certifies the estimates  
 47-55 made under Subsection (a), the attorney general shall also certify  
 47-56 for the next state fiscal biennium the amount of excess money in the  
 47-57 fund available for the purposes of Subsection (c), calculated by  
 47-58 multiplying the amount estimated under Subsection (a)(3) by 105  
 47-59 percent and subtracting that product from the sum of the amounts  
 47-60 estimated under Subsections (a)(1) and (2).

47-61 (c) For a state fiscal biennium, the legislature may  
 47-62 appropriate from the fund the amount of excess money in the fund  
 47-63 certified for the biennium under Subsection (b) to state agencies  
 47-64 that deliver or fund victim-related services or assistance.

47-65 (d) The attorney general and the comptroller shall  
 47-66 cooperate in determining the proper allocation of the various  
 47-67 sources of revenue deposited to the credit of the fund for purposes  
 47-68 of this article.

47-69 (e) The attorney general may use money appropriated from the

48-1 fund for grants or contracts supporting victim-related services or  
 48-2 assistance, including support for private Texas nonprofit  
 48-3 corporations that provide victim-related civil legal services  
 48-4 directly to victims, immediate family members of victims, or  
 48-5 claimants. A grant supporting victim-related services or  
 48-6 assistance is governed by Chapter 783, Government Code.

48-7 (f) The attorney general shall adopt rules necessary to  
 48-8 implement this article. (Code Crim. Proc., Art. 56.541.)

48-9 Art. 56B.461. USE OF AUXILIARY FUND. As appropriated by the  
 48-10 legislature, the attorney general may use the compensation to  
 48-11 victims of crime auxiliary fund to cover costs incurred by the  
 48-12 attorney general in administering the address confidentiality  
 48-13 program established under Subchapter B, Chapter 58. (Code Crim.  
 48-14 Proc., Art. 56.54(1).)

48-15 Art. 56B.462. PAYERS OF LAST RESORT. The fund and the  
 48-16 compensation to victims of crime auxiliary fund are the payers of  
 48-17 last resort. (Code Crim. Proc., Art. 56.34(f).)

48-18 SUBCHAPTER K. ADMINISTRATIVE PENALTY

48-19 Art. 56B.501. CONDUCT SUBJECT TO PENALTY; AMOUNT OF  
 48-20 PENALTY. (a) A person who presents to the attorney general, or  
 48-21 engages in conduct that results in the presentation to the attorney  
 48-22 general of, an application for compensation under this chapter that  
 48-23 contains a statement or representation the person knows to be false  
 48-24 is liable to the attorney general for:

48-25 (1) the amount paid in reliance on the application,  
 48-26 plus interest on that amount determined at the rate provided by law  
 48-27 for legal judgments and accruing from the date on which the payment  
 48-28 was made;

48-29 (2) payment of an administrative penalty in an amount  
 48-30 not to exceed twice the amount paid as a result of the false  
 48-31 application for benefits or claim for pecuniary loss; and

48-32 (3) payment of an administrative penalty in an amount  
 48-33 not to exceed \$10,000 for each item or service for which payment was  
 48-34 claimed.

48-35 (b) In determining the amount of the penalty to be assessed  
 48-36 under Subsection (a)(3), the attorney general shall consider:

48-37 (1) the seriousness of the violation;

48-38 (2) whether the person has previously submitted a  
 48-39 false application for benefits or a claim for pecuniary loss; and

48-40 (3) the amount necessary to deter the person from  
 48-41 submitting future false applications for benefits or claims for  
 48-42 pecuniary loss. (Code Crim. Proc., Arts. 56.64(a), (b).)

48-43 Art. 56B.502. REPORT AND NOTICE OF VIOLATION AND PENALTY.

48-44 (a) On determining that a violation has occurred, the attorney  
 48-45 general may issue a report stating:

48-46 (1) the facts on which the determination is made; and

48-47 (2) the attorney general's recommendation on the  
 48-48 imposition of an administrative penalty, including a  
 48-49 recommendation on the amount of the penalty.

48-50 (b) The attorney general shall give written notice of the  
 48-51 report to the person described by Article 56B.501. The notice may  
 48-52 be given by certified mail and must:

48-53 (1) include a brief summary of the alleged violation;

48-54 (2) state the amount of the recommended penalty; and

48-55 (3) inform the person of the right to a hearing on the  
 48-56 occurrence of the violation, the amount of the penalty, or both.  
 48-57 (Code Crim. Proc., Arts. 56.64(c), (d).)

48-58 Art. 56B.503. PENALTY TO BE PAID OR HEARING REQUESTED. (a)

48-59 Not later than the 20th day after the date the person receives the  
 48-60 notice, the person in writing may:

48-61 (1) accept the attorney general's determination and  
 48-62 recommended administrative penalty; or

48-63 (2) request a hearing on the occurrence of the  
 48-64 violation, the amount of the penalty, or both.

48-65 (b) If the person accepts the attorney general's  
 48-66 determination and recommended penalty, the attorney general by  
 48-67 order shall approve the determination and impose the recommended  
 48-68 penalty. (Code Crim. Proc., Arts. 56.64(e), (f).)

48-69 Art. 56B.504. HEARING. (a) If the person requests a

49-1 hearing as provided by Article 56B.503(a) or fails to respond to the  
 49-2 notice in a timely manner, the attorney general shall set a  
 49-3 contested case hearing under Chapter 2001, Government Code, and  
 49-4 notify the person of the hearing.

49-5 (b) The administrative law judge shall make findings of fact  
 49-6 and conclusions of law and promptly issue to the attorney general a  
 49-7 proposal for a decision regarding the occurrence of the violation  
 49-8 and the amount of a proposed administrative penalty. (Code Crim.  
 49-9 Proc., Art. 56.64(g) (part).)

49-10 Art. 56B.505. DECISION BY ATTORNEY GENERAL. (a) Based on  
 49-11 the findings of fact, conclusions of law, and proposal for a  
 49-12 decision, the attorney general by order may find that:

49-13 (1) a violation occurred and impose an administrative  
 49-14 penalty; or

49-15 (2) a violation did not occur.

49-16 (b) Notice of the attorney general's order given to the  
 49-17 person under Chapter 2001, Government Code, must include a  
 49-18 statement of the person's right to judicial review of the order.  
 49-19 (Code Crim. Proc., Arts. 56.64(g) (part), (h).)

49-20 Art. 56B.506. OPTIONS FOLLOWING DECISION: PAY OR APPEAL.

49-21 (a) Not later than the 30th day after the date the attorney  
 49-22 general's order becomes final under Section 2001.144, Government  
 49-23 Code, the person shall:

49-24 (1) pay the administrative penalty;

49-25 (2) pay the penalty and file a petition for judicial  
 49-26 review contesting the occurrence of the violation, the amount of  
 49-27 the penalty, or both; or

49-28 (3) without paying the penalty, file a petition for  
 49-29 judicial review contesting the occurrence of the violation, the  
 49-30 amount of the penalty, or both.

49-31 (b) Within the 30-day period, a person who acts under  
 49-32 Subsection (a)(3) may:

49-33 (1) stay enforcement of the penalty by:

49-34 (A) paying the penalty to the court for placement  
 49-35 in an escrow account; or

49-36 (B) giving to the court a supersedeas bond that  
 49-37 is approved by the court and that is:

49-38 (i) for the amount of the penalty; and

49-39 (ii) effective until judicial review of the  
 49-40 attorney general's order is final; or

49-41 (2) request the court to stay enforcement of the  
 49-42 penalty by:

49-43 (A) filing with the court a sworn affidavit of  
 49-44 the person stating that the person is financially unable to pay the  
 49-45 penalty or give the supersedeas bond; and

49-46 (B) delivering a copy of the affidavit to the  
 49-47 attorney general by certified mail.

49-48 (c) On receipt by the attorney general of a copy of an  
 49-49 affidavit under Subsection (b)(2), the attorney general may file  
 49-50 with the court a contest to the affidavit not later than the fifth  
 49-51 day after the date the copy is received.

49-52 (d) The court shall hold a hearing on the facts alleged in  
 49-53 the affidavit as soon as practicable and shall stay the enforcement  
 49-54 of the penalty on finding that the alleged facts are true. A person  
 49-55 who files an affidavit under Subsection (b)(2) has the burden of  
 49-56 proving that the person is financially unable to pay the penalty or  
 49-57 give a supersedeas bond. (Code Crim. Proc., Arts. 56.64(i), (j),  
 49-58 (k).)

49-59 Art. 56B.507. COLLECTION OF PENALTY. If the person does not  
 49-60 pay the administrative penalty and the enforcement of the penalty  
 49-61 is not stayed, the attorney general may file suit to collect the  
 49-62 penalty. (Code Crim. Proc., Art. 56.64(l).)

49-63 Art. 56B.508. DECISION BY COURT. (a) If the court sustains  
 49-64 the finding that a violation occurred, the court may order the  
 49-65 person to pay the full or a reduced administrative penalty.

49-66 (b) If the court does not sustain the finding that a  
 49-67 violation occurred, the court shall order that a penalty is not  
 49-68 owed. (Code Crim. Proc., Art. 56.64(n).)

49-69 Art. 56B.509. REMITTANCE OF PENALTY AND INTEREST. (a) If

50-1 the person paid the administrative penalty and the amount is  
 50-2 reduced or is not upheld by the court, the court shall order that  
 50-3 the appropriate amount plus accrued interest be remitted to the  
 50-4 person.

50-5 (b) The interest accrues at the rate charged on loans to  
 50-6 depository institutions by the New York Federal Reserve Bank. The  
 50-7 interest shall be paid for the period beginning on the date the  
 50-8 penalty was paid and ending on the date the penalty is remitted.  
 50-9 (Code Crim. Proc., Art. 56.64(o) (part).)

50-10 Art. 56B.510. RELEASE OF BOND. (a) If the person gave a  
 50-11 supersedeas bond and the administrative penalty is not upheld by  
 50-12 the court, the court shall order the release of the bond.

50-13 (b) If the person gave a supersedeas bond and the amount of  
 50-14 the penalty is reduced, the court shall order the release of the  
 50-15 bond after the person pays the amount. (Code Crim. Proc., Art.  
 50-16 56.64(o) (part).)

50-17 Art. 56B.511. DISPOSITION OF PENALTY. An administrative  
 50-18 penalty collected under this subchapter shall be sent to the  
 50-19 comptroller and deposited to the credit of the compensation to  
 50-20 victims of crime fund. (Code Crim. Proc., Art. 56.64(p).)

50-21 Art. 56B.512. RECOVERY OF EXPENSES. In addition to the  
 50-22 administrative penalty authorized by this subchapter, the attorney  
 50-23 general may recover all expenses incurred by the attorney general  
 50-24 in the investigation, institution, and prosecution of the suit,  
 50-25 including investigative costs, witness fees, attorney's fees, and  
 50-26 deposition expenses. (Code Crim. Proc., Art. 56.64(r).)

50-27 Art. 56B.513. ADMINISTRATIVE PROCEDURE. A proceeding under  
 50-28 this subchapter is subject to Chapter 2001, Government Code. (Code  
 50-29 Crim. Proc., Art. 56.64(q).)

#### 50-30 SUBCHAPTER L. OTHER PENALTIES AND SANCTIONS

50-31 Art. 56B.551. LETTER OF REPRIMAND. (a) The attorney  
 50-32 general may issue a letter of reprimand against an individual who  
 50-33 the attorney general finds has filed or has caused to be filed under  
 50-34 this chapter an application for benefits or claim for pecuniary  
 50-35 loss that contains a statement or representation that the  
 50-36 individual knows is false.

50-37 (b) The attorney general must give the individual notice of  
 50-38 the proposed action before issuing the letter.

50-39 (c) An individual may challenge the denial of compensation  
 50-40 and the issuance of a letter of reprimand in a contested case  
 50-41 hearing under Chapter 2001, Government Code.

50-42 (d) A letter of reprimand issued under this article is  
 50-43 public information. (Code Crim. Proc., Art. 56.62.)

50-44 Art. 56B.552. CIVIL PENALTY. (a) A person is subject to a  
 50-45 civil penalty of not less than \$2,500 or more than \$25,000 for each  
 50-46 application for compensation that:

50-47 (1) is filed under this chapter by the person or as a  
 50-48 result of the person's conduct; and

50-49 (2) contains a material statement or representation  
 50-50 that the person knows is false.

50-51 (b) The attorney general shall institute and conduct a suit  
 50-52 to collect on behalf of the state the civil penalty authorized by  
 50-53 this article.

50-54 (c) A civil penalty recovered under this article shall be  
 50-55 deposited to the credit of the compensation to victims of crime  
 50-56 fund.

50-57 (d) The civil penalty authorized by this article is in  
 50-58 addition to any other civil, administrative, or criminal penalty  
 50-59 provided by law.

50-60 (e) In addition to the civil penalty authorized by this  
 50-61 article, the attorney general may recover expenses incurred by the  
 50-62 attorney general in the investigation, institution, and  
 50-63 prosecution of the suit, including investigative costs, witness  
 50-64 fees, attorney's fees, and deposition expenses. (Code Crim. Proc.,  
 50-65 Art. 56.63.)

50-66 SECTION 1.07. Title 1, Code of Criminal Procedure, is  
 50-67 amended by adding Chapter 58 to read as follows:

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51-1	CHAPTER 58. CONFIDENTIALITY OF IDENTIFYING INFORMATION AND MEDICAL
51-2	RECORDS OF CERTAIN CRIME VICTIMS
51-3	SUBCHAPTER A. GENERAL PROVISIONS
51-4	Art. 58.001. GENERAL DEFINITIONS
51-5	SUBCHAPTER B. ADDRESS CONFIDENTIALITY PROGRAM FOR CERTAIN CRIME
51-6	VICTIMS
51-7	Art. 58.051. DEFINITIONS
51-8	Art. 58.052. ADDRESS CONFIDENTIALITY PROGRAM
51-9	Art. 58.053. AGENCY ACCEPTANCE OF SUBSTITUTE ADDRESS
51-10	REQUIRED; EXEMPTIONS
51-11	Art. 58.054. ELIGIBILITY
51-12	Art. 58.055. APPLICATION
51-13	Art. 58.056. APPLICATION AND ELIGIBILITY RULES AND
51-14	PROCEDURES
51-15	Art. 58.057. FALSE STATEMENT ON APPLICATION
51-16	Art. 58.058. EXCLUSION FROM PARTICIPATION IN PROGRAM;
51-17	WITHDRAWAL
51-18	Art. 58.059. CERTIFICATION OF PARTICIPATION IN PROGRAM
51-19	Art. 58.060. CONFIDENTIALITY OF PARTICIPANT
51-20	INFORMATION; DESTRUCTION OF INFORMATION
51-21	Art. 58.061. EXCEPTIONS
51-22	Art. 58.062. LIABILITY
51-23	SUBCHAPTER C. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF SEX
51-24	OFFENSE VICTIMS
51-25	Art. 58.101. DEFINITION
51-26	Art. 58.102. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM
51-27	Art. 58.103. VICTIM INFORMATION CONFIDENTIAL
51-28	Art. 58.104. COURT-ORDERED DISCLOSURE OF VICTIM
51-29	INFORMATION
51-30	Art. 58.105. DISCLOSURE OF CERTAIN CHILD VICTIM
51-31	INFORMATION PROHIBITED
51-32	Art. 58.106. DISCLOSURE OF INFORMATION OF CONFINED
51-33	VICTIM
51-34	Art. 58.107. OFFENSE
51-35	SUBCHAPTER D. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF
51-36	VICTIMS OF STALKING
51-37	Art. 58.151. DEFINITION
51-38	Art. 58.152. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM
51-39	Art. 58.153. VICTIM INFORMATION CONFIDENTIAL
51-40	Art. 58.154. COURT-ORDERED DISCLOSURE OF VICTIM
51-41	INFORMATION
51-42	Art. 58.155. DISCLOSURE OF CERTAIN CHILD VICTIM
51-43	INFORMATION PROHIBITED
51-44	Art. 58.156. OFFENSE
51-45	Art. 58.157. EFFECT ON OTHER LAW
51-46	SUBCHAPTER E. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF
51-47	VICTIMS OF FAMILY VIOLENCE
51-48	Art. 58.201. DEFINITION
51-49	Art. 58.202. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM
51-50	Art. 58.203. VICTIM INFORMATION CONFIDENTIAL
51-51	Art. 58.204. COURT-ORDERED DISCLOSURE OF VICTIM
51-52	INFORMATION
51-53	Art. 58.205. DISCLOSURE OF CERTAIN CHILD VICTIM
51-54	INFORMATION PROHIBITED
51-55	Art. 58.206. OFFENSE
51-56	Art. 58.207. APPLICABILITY OF SUBCHAPTER TO DEPARTMENT
51-57	OF FAMILY AND PROTECTIVE SERVICES
51-58	Art. 58.208. APPLICABILITY OF SUBCHAPTER TO POLITICAL
51-59	SUBDIVISIONS
51-60	SUBCHAPTER F. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF
51-61	VICTIMS OF TRAFFICKING OF PERSONS
51-62	Art. 58.251. DEFINITION
51-63	Art. 58.252. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM
51-64	Art. 58.253. VICTIM INFORMATION CONFIDENTIAL
51-65	Art. 58.254. COURT-ORDERED DISCLOSURE OF VICTIM
51-66	INFORMATION
51-67	Art. 58.255. DISCLOSURE OF CHILD VICTIM INFORMATION
51-68	PROHIBITED
51-69	Art. 58.256. OFFENSE

52-1 SUBCHAPTER G. SEALING OF MEDICAL RECORDS OF CERTAIN CHILD VICTIMS  
52-2 Art. 58.301. DEFINITIONS  
52-3 Art. 58.302. SEALING OF MEDICAL RECORDS  
52-4 Art. 58.303. ACCESS TO SEALED MEDICAL RECORDS  
52-5 Art. 58.304. LIABILITY  
52-6 CHAPTER 58. CONFIDENTIALITY OF IDENTIFYING INFORMATION AND MEDICAL  
52-7 RECORDS OF CERTAIN CRIME VICTIMS  
52-8 SUBCHAPTER A. GENERAL PROVISIONS  
52-9 Art. 58.001. GENERAL DEFINITIONS. In this chapter:  
52-10 (1) "Name" means the legal name of a person.  
52-11 (2) "Pseudonym" means a set of initials or a  
52-12 fictitious name chosen by a victim to designate the victim in all  
52-13 public files and records concerning the offense, including police  
52-14 summary reports, press releases, and records of judicial  
52-15 proceedings.  
52-16 (3) "Public servant" has the meaning assigned by  
52-17 Section 1.07(a), Penal Code. (Code Crim. Proc., Arts. 57.01(1),  
52-18 (2), (3), 57A.01(1), (2), (3), 57B.01(1), (2), (3), 57D.01(1), (2),  
52-19 (3).)  
52-20 SUBCHAPTER B. ADDRESS CONFIDENTIALITY PROGRAM FOR CERTAIN CRIME  
52-21 VICTIMS  
52-22 Art. 58.051. DEFINITIONS. In this subchapter:  
52-23 (1) "Applicant" means a person who applies to  
52-24 participate in the program.  
52-25 (2) "Family violence" has the meaning assigned by  
52-26 Section 71.004, Family Code.  
52-27 (3) "Family violence shelter center" has the meaning  
52-28 assigned by Section 51.002, Human Resources Code.  
52-29 (4) "Household" has the meaning assigned by Section  
52-30 71.005, Family Code.  
52-31 (5) "Mail" means first class mail and any mail sent by  
52-32 a government agency. The term does not include a package,  
52-33 regardless of size or type of mailing.  
52-34 (6) "Participant" means an applicant who is certified  
52-35 for participation in the program.  
52-36 (7) "Program" means the address confidentiality  
52-37 program created under this subchapter.  
52-38 (8) "Sexual abuse" means any conduct that constitutes  
52-39 an offense under Section 21.02, 21.11, or 25.02, Penal Code.  
52-40 (9) "Sexual assault" means any conduct that  
52-41 constitutes an offense under Section 22.011 or 22.021, Penal Code.  
52-42 (10) "Stalking" means any conduct that constitutes an  
52-43 offense under Section 42.072, Penal Code.  
52-44 (11) "Trafficking of persons" means any conduct that:  
52-45 (A) constitutes an offense under Section 20A.02,  
52-46 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal Code;  
52-47 and  
52-48 (B) results in a person:  
52-49 (i) engaging in forced labor or services;  
52-50 or  
52-51 (ii) otherwise becoming a victim of the  
52-52 offense. (Code Crim. Proc., Art. 56.81.)  
52-53 Art. 58.052. ADDRESS CONFIDENTIALITY PROGRAM. (a) The  
52-54 attorney general shall establish an address confidentiality  
52-55 program, as provided by this subchapter, to assist a victim of  
52-56 family violence, sexual assault or abuse, stalking, or trafficking  
52-57 of persons in maintaining a confidential address.  
52-58 (b) The attorney general shall:  
52-59 (1) designate a substitute post office box address  
52-60 that a participant may use in place of the participant's true  
52-61 residential, business, or school address;  
52-62 (2) act as agent to receive service of process and mail  
52-63 on behalf of the participant; and  
52-64 (3) forward to the participant mail received by the  
52-65 office of the attorney general on behalf of the participant.  
52-66 (c) A summons, writ, notice, demand, or process may be  
52-67 served on the attorney general on behalf of the participant by  
52-68 delivery of two copies of the document to the office of the attorney  
52-69 general. The attorney general shall retain a copy of the summons,

53-1 writ, notice, demand, or process and forward the original to the  
 53-2 participant not later than the third day after the date of service  
 53-3 on the attorney general.

53-4 (d) The attorney general shall make and retain a copy of the  
 53-5 envelope in which certified mail is received on behalf of the  
 53-6 participant.

53-7 (e) The attorney general shall adopt rules to administer the  
 53-8 program. (Code Crim. Proc., Arts. 56.82, 56.93.)

53-9 Art. 58.053. AGENCY ACCEPTANCE OF SUBSTITUTE ADDRESS  
 53-10 REQUIRED; EXEMPTIONS. (a) Except as provided by Subsection (b), a  
 53-11 state or local agency must accept the substitute post office box  
 53-12 address designated by the attorney general if the substitute  
 53-13 address is presented to the agency by a participant in place of the  
 53-14 participant's true residential, business, or school address.

53-15 (b) The attorney general by rule may permit an agency to  
 53-16 require a participant to provide the participant's true  
 53-17 residential, business, or school address, if necessary for the  
 53-18 agency to perform a duty or function that is imposed by law or  
 53-19 administrative requirement. (Code Crim. Proc., Art. 56.89.)

53-20 Art. 58.054. ELIGIBILITY. To be eligible to participate in  
 53-21 the program:

53-22 (1) an applicant must:

53-23 (A) meet with a victim's assistance counselor  
 53-24 from a state or local agency or other for-profit or nonprofit entity  
 53-25 that is identified by the attorney general as an entity that  
 53-26 provides shelter or civil legal services or counseling to victims  
 53-27 of family violence, sexual assault or abuse, stalking, or  
 53-28 trafficking of persons;

53-29 (B) be protected under, or be filing an  
 53-30 application on behalf of a victim who is the applicant's child or  
 53-31 another person in the applicant's household and who is protected  
 53-32 under:

53-33 (i) a temporary injunction issued under  
 53-34 Subchapter F, Chapter 6, Family Code;

53-35 (ii) a temporary ex parte order issued  
 53-36 under Chapter 83, Family Code;

53-37 (iii) an order issued under Subchapter A or  
 53-38 B, Chapter 7B, of this code or Chapter 85, Family Code; or

53-39 (iv) a magistrate's order for emergency  
 53-40 protection issued under Article 17.292; or

53-41 (C) possess documentation of family violence, as  
 53-42 identified by the rules adopted under Article 58.056, or of sexual  
 53-43 assault or abuse or stalking, as described by Section 92.0161,  
 53-44 Property Code; and

53-45 (2) an applicant must:

53-46 (A) file an application for participation with  
 53-47 the attorney general or a state or local agency or other entity  
 53-48 identified by the attorney general under Subdivision (1);

53-49 (B) file an affirmation that the applicant has  
 53-50 discussed safety planning with a victim's assistance counselor  
 53-51 described by Subdivision (1)(A);

53-52 (C) designate the attorney general as agent to  
 53-53 receive service of process and mail on behalf of the applicant; and

53-54 (D) live at a residential address, or relocate to  
 53-55 a residential address, that is unknown to the person who committed  
 53-56 or is alleged to have committed the family violence, sexual assault  
 53-57 or abuse, stalking, or trafficking of persons. (Code Crim. Proc.,  
 53-58 Art. 56.83(a).)

53-59 Art. 58.055. APPLICATION. (a) An application under  
 53-60 Article 58.054(2)(A) must contain:

53-61 (1) a signed, sworn statement by the applicant stating  
 53-62 that the applicant fears for the safety of the applicant, the  
 53-63 applicant's child, or another person in the applicant's household  
 53-64 because of a threat of immediate or future harm caused by the person  
 53-65 who committed or is alleged to have committed the family violence,  
 53-66 sexual assault or abuse, stalking, or trafficking of persons;

53-67 (2) the applicant's true residential address and, if  
 53-68 applicable, the applicant's business and school addresses; and

53-69 (3) a statement by the applicant of whether there is an

54-1 existing court order or a pending court case for child support or  
 54-2 child custody or visitation that involves the applicant, the  
 54-3 applicant's child, or another person in the applicant's household  
 54-4 and, if so, the name and address of:

- 54-5 (A) the legal counsel of record; and
- 54-6 (B) each parent involved in the court order or  
 54-7 pending case.

54-8 (b) An application under Article 58.054(2)(A) must be  
 54-9 completed by the applicant in person at the state or local agency or  
 54-10 other entity with which the application is filed.

54-11 (c) A state or local agency or other entity with which an  
 54-12 application is filed under Article 58.054(2)(A) shall forward the  
 54-13 application to the office of the attorney general.

54-14 (d) Any assistance or counseling provided by the attorney  
 54-15 general or an employee or agent of the attorney general to an  
 54-16 applicant does not constitute legal advice.

54-17 (e) The attorney general shall make program information and  
 54-18 application materials available online. (Code Crim. Proc., Arts.  
 54-19 56.83(b), (c) (part), (d), (f), 56.92.)

54-20 Art. 58.056. APPLICATION AND ELIGIBILITY RULES AND  
 54-21 PROCEDURES. (a) The attorney general may establish procedures for  
 54-22 requiring an applicant, in appropriate circumstances, to submit  
 54-23 with the application under Article 58.054(2)(A) independent  
 54-24 documentary evidence of family violence, sexual assault or abuse,  
 54-25 stalking, or trafficking of persons in the form of:

54-26 (1) an active or recently issued order described by  
 54-27 Article 58.054(1)(B);

54-28 (2) an incident report or other record maintained by a  
 54-29 law enforcement agency or official;

54-30 (3) a statement of a physician or other health care  
 54-31 provider regarding the medical condition of the applicant,  
 54-32 applicant's child, or other person in the applicant's household as a  
 54-33 result of the family violence, sexual assault or abuse, stalking,  
 54-34 or trafficking of persons;

54-35 (4) a statement of a mental health professional, a  
 54-36 member of the clergy, an attorney or other legal advocate, a trained  
 54-37 staff member of a family violence center, or another professional  
 54-38 who has assisted the applicant, applicant's child, or other person  
 54-39 in the applicant's household in addressing the effects of the  
 54-40 family violence, sexual assault or abuse, stalking, or trafficking  
 54-41 of persons; or

54-42 (5) any other independent documentary evidence  
 54-43 necessary to show the applicant's eligibility to participate in the  
 54-44 program.

54-45 (b) The attorney general by rule may establish additional  
 54-46 eligibility requirements for participation in the program that are  
 54-47 consistent with the purpose of the program as stated in Article  
 54-48 58.052(a). (Code Crim. Proc., Arts. 56.83(e), (e-1).)

54-49 Art. 58.057. FALSE STATEMENT ON APPLICATION. (a) An  
 54-50 applicant who knowingly or intentionally makes a false statement in  
 54-51 an application under Article 58.054(2)(A) is subject to prosecution  
 54-52 under Chapter 37, Penal Code.

54-53 (b) An applicant is ineligible for, and a participant may be  
 54-54 excluded from, participation in the program if the applicant or  
 54-55 participant knowingly makes a false statement on an application  
 54-56 filed under Article 58.054(2)(A). (Code Crim. Proc., Arts.  
 54-57 56.83(c) (part), 56.86(a).)

54-58 Art. 58.058. EXCLUSION FROM PARTICIPATION IN PROGRAM;  
 54-59 WITHDRAWAL. (a) A participant may be excluded from participation  
 54-60 in the program if:

54-61 (1) mail forwarded to the participant by the attorney  
 54-62 general is returned undeliverable on at least four occasions;

54-63 (2) the participant changes the participant's true  
 54-64 residential address as provided in the application filed under  
 54-65 Article 58.054(2)(A) and does not notify the attorney general of  
 54-66 the change at least 10 days before the date of the change; or

54-67 (3) the participant changes the participant's name.

54-68 (b) A participant may withdraw from the program by notifying  
 54-69 the attorney general in writing of the withdrawal. (Code Crim.

55-1 Proc., Arts. [56.86\(b\)](#), [56.87](#).)

55-2 Art. 58.059. CERTIFICATION OF PARTICIPATION IN PROGRAM.  
55-3 (a) The attorney general shall certify for participation in the  
55-4 program an applicant who satisfies the eligibility requirements  
55-5 under Articles 58.054 and 58.056(b).

55-6 (b) A certification under this article expires on the third  
55-7 anniversary of the date of certification.

55-8 (c) To renew a certification under this article, a  
55-9 participant must satisfy the eligibility requirements under  
55-10 Articles 58.054 and 58.056(b) as if the participant were originally  
55-11 applying for participation in the program. (Code Crim. Proc.,  
55-12 Arts. [56.84](#), [56.85](#).)

55-13 Art. 58.060. CONFIDENTIALITY OF PARTICIPANT INFORMATION;  
55-14 DESTRUCTION OF INFORMATION. (a) Information relating to a  
55-15 participant:

55-16 (1) is confidential, except as provided by Article  
55-17 58.061; and

55-18 (2) may not be disclosed under Chapter [552](#), Government  
55-19 Code.

55-20 (b) Except as provided by Article 58.052(d), the attorney  
55-21 general may not make a copy of any mail received by the office of the  
55-22 attorney general on behalf of the participant.

55-23 (c) The attorney general shall destroy all information  
55-24 relating to a participant on the third anniversary of the date the  
55-25 participant's participation in the program ends. (Code Crim.  
55-26 Proc., Art. [56.88](#).)

55-27 Art. 58.061. EXCEPTIONS. (a) The attorney general shall  
55-28 disclose a participant's true residential, business, or school  
55-29 address if:

55-30 (1) requested by:

55-31 (A) a law enforcement agency for the purpose of  
55-32 conducting an investigation;

55-33 (B) the Department of Family and Protective  
55-34 Services for the purpose of conducting a child protective services  
55-35 investigation under Chapter [261](#), Family Code; or

55-36 (C) the Department of State Health Services or a  
55-37 local health authority for the purpose of making a notification  
55-38 described by Article [21.31](#) of this code, Section [54.033](#), Family  
55-39 Code, or Section [81.051](#), Health and Safety Code; or

55-40 (2) required by court order.

55-41 (b) The attorney general may disclose a participant's true  
55-42 residential, business, or school address if:

55-43 (1) the participant consents to the disclosure; and

55-44 (2) the disclosure is necessary to administer the  
55-45 program.

55-46 (c) A person to whom a participant's true residential,  
55-47 business, or school address is disclosed under this article shall  
55-48 maintain the requested information in a manner that protects the  
55-49 confidentiality of the participant's true residential, business,  
55-50 or school address. (Code Crim. Proc., Art. [56.90](#).)

55-51 Art. 58.062. LIABILITY. (a) The attorney general or an  
55-52 agent or employee of the attorney general is immune from liability  
55-53 for any act or omission by the agent or employee in administering  
55-54 the program if the agent or employee was acting in good faith and in  
55-55 the course and scope of assigned responsibilities and duties.

55-56 (b) An agent or employee of the attorney general who does  
55-57 not act in good faith and in the course and scope of assigned  
55-58 responsibilities and duties in disclosing a participant's true  
55-59 residential, business, or school address is subject to prosecution  
55-60 under Chapter [39](#), Penal Code. (Code Crim. Proc., Art. [56.91](#).)

55-61 SUBCHAPTER C. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF SEX  
55-62 OFFENSE VICTIMS

55-63 Art. 58.101. DEFINITION. In this subchapter, "victim"  
55-64 means a person who was the subject of:

55-65 (1) an offense the commission of which leads to a  
55-66 reportable conviction or adjudication under Chapter [62](#); or

55-67 (2) an offense that is part of the same criminal  
55-68 episode, as defined by Section [3.01](#), Penal Code, as an offense  
55-69 described by Subdivision (1). (Code Crim. Proc., Art. [57.01\(4\)](#).)

56-1 Art. 58.102. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a)  
 56-2 A victim may choose a pseudonym to be used instead of the victim's  
 56-3 name to designate the victim in all public files and records  
 56-4 concerning the offense, including police summary reports, press  
 56-5 releases, and records of judicial proceedings. A victim who elects  
 56-6 to use a pseudonym as provided by this subchapter must complete a  
 56-7 pseudonym form developed under Subsection (b) and return the form  
 56-8 to the law enforcement agency investigating the offense.

56-9 (b) The Sexual Assault Prevention and Crisis Services  
 56-10 Program of the office of the attorney general shall develop and  
 56-11 distribute to all law enforcement agencies of the state a pseudonym  
 56-12 form to record the name, address, telephone number, and pseudonym  
 56-13 of a victim. (Code Crim. Proc., Arts. 57.02(a), (b).)

56-14 Art. 58.103. VICTIM INFORMATION CONFIDENTIAL. (a) A  
 56-15 victim who completes a pseudonym form and returns the form to the  
 56-16 law enforcement agency investigating the offense may not be  
 56-17 required to disclose the victim's name, address, and telephone  
 56-18 number in connection with the investigation or prosecution of the  
 56-19 offense.

56-20 (b) A completed and returned pseudonym form is confidential  
 56-21 and may not be disclosed to any person other than a defendant in the  
 56-22 case or the defendant's attorney, except on an order of a court.  
 56-23 The court finding required by Article 58.104 is not required to  
 56-24 disclose the confidential pseudonym form to the defendant in the  
 56-25 case or to the defendant's attorney.

56-26 (c) If a victim completes a pseudonym form and returns the  
 56-27 form to a law enforcement agency under Article 58.102(a), the law  
 56-28 enforcement agency receiving the form shall:

56-29 (1) remove the victim's name and substitute the  
 56-30 pseudonym for the name on all reports, files, and records in the  
 56-31 agency's possession;

56-32 (2) notify the attorney representing the state of the  
 56-33 pseudonym and that the victim has elected to be designated by the  
 56-34 pseudonym; and

56-35 (3) maintain the form in a manner that protects the  
 56-36 confidentiality of the information contained on the form.

56-37 (d) An attorney representing the state who receives notice  
 56-38 that a victim has elected to be designated by a pseudonym shall  
 56-39 ensure that the victim is designated by the pseudonym in all legal  
 56-40 proceedings concerning the offense. (Code Crim. Proc., Arts.  
 56-41 57.02(c), (d), (e), (f).)

56-42 Art. 58.104. COURT-ORDERED DISCLOSURE OF VICTIM  
 56-43 INFORMATION. A court may order the disclosure of a victim's name,  
 56-44 address, and telephone number only if the court finds that the  
 56-45 information is essential in the trial of the defendant for the  
 56-46 offense or the identity of the victim is in issue. (Code Crim.  
 56-47 Proc., Art. 57.02(g).)

56-48 Art. 58.105. DISCLOSURE OF CERTAIN CHILD VICTIM INFORMATION  
 56-49 PROHIBITED. Except as required or permitted by other law or by  
 56-50 court order, a public servant or other person who has access to or  
 56-51 obtains the name, address, telephone number, or other identifying  
 56-52 information of a victim younger than 17 years of age may not release  
 56-53 or disclose the identifying information to any person who is not  
 56-54 assisting in the investigation, prosecution, or defense of the  
 56-55 case. This article does not apply to the release or disclosure of a  
 56-56 victim's identifying information by:

56-57 (1) the victim; or

56-58 (2) the victim's parent, conservator, or guardian,  
 56-59 unless the parent, conservator, or guardian is a defendant in the  
 56-60 case. (Code Crim. Proc., Art. 57.02(h).)

56-61 Art. 58.106. DISCLOSURE OF INFORMATION OF CONFINED VICTIM.  
 56-62 This subchapter does not prohibit the inspector general of the  
 56-63 Texas Department of Criminal Justice from disclosing a victim's  
 56-64 identifying information to an employee of the department or the  
 56-65 department's ombudsperson if the victim is an inmate or state jail  
 56-66 defendant confined in a facility operated by or under contract with  
 56-67 the department. (Code Crim. Proc., Art. 57.02(i) as added Acts 80th  
 56-68 Leg., R.S., Chs. 619, 1217.)

56-69 Art. 58.107. OFFENSE. (a) A public servant commits an

57-1 offense if the public servant:

57-2 (1) has access to the name, address, or telephone  
57-3 number of a victim 17 years of age or older who has chosen a  
57-4 pseudonym under this subchapter; and

57-5 (2) knowingly discloses the name, address, or  
57-6 telephone number of the victim to:

57-7 (A) a person who is not assisting in the  
57-8 investigation or prosecution of the offense; or

57-9 (B) a person other than:

57-10 (i) the defendant;

57-11 (ii) the defendant's attorney; or

57-12 (iii) the person specified in the order of a  
57-13 court.

57-14 (b) Unless the disclosure is required or permitted by other  
57-15 law, a public servant or other person commits an offense if the  
57-16 person:

57-17 (1) has access to or obtains the name, address, or  
57-18 telephone number of a victim younger than 17 years of age; and

57-19 (2) knowingly discloses the name, address, or  
57-20 telephone number of the victim to:

57-21 (A) a person who is not assisting in the  
57-22 investigation or prosecution of the offense; or

57-23 (B) a person other than:

57-24 (i) the defendant;

57-25 (ii) the defendant's attorney; or

57-26 (iii) a person specified in an order of a  
57-27 court.

57-28 (c) It is an affirmative defense to prosecution under  
57-29 Subsection (b) that the actor is:

57-30 (1) the victim; or

57-31 (2) the victim's parent, conservator, or guardian,  
57-32 unless the actor is a defendant in the case.

57-33 (d) It is an exception to the application of this article  
57-34 that:

57-35 (1) the person who discloses the name, address, or  
57-36 telephone number of a victim is the inspector general of the Texas  
57-37 Department of Criminal Justice;

57-38 (2) the victim is an inmate or state jail defendant  
57-39 confined in a facility operated by or under contract with the  
57-40 department; and

57-41 (3) the person to whom the disclosure is made is an  
57-42 employee of the department or the department's ombudsperson.

57-43 (e) An offense under this article is a Class C misdemeanor.  
57-44 (Code Crim. Proc., Art. 57.03.)

57-45 SUBCHAPTER D. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF  
57-46 VICTIMS OF STALKING

57-47 Art. 58.151. DEFINITION. In this subchapter, "victim"  
57-48 means a person who is the subject of:

57-49 (1) an offense that allegedly constitutes stalking  
57-50 under Section 42.072, Penal Code; or

57-51 (2) an offense that is part of the same criminal  
57-52 episode, as defined by Section 3.01, Penal Code, as an offense under  
57-53 Section 42.072, Penal Code. (Code Crim. Proc., Art. 57A.01(4).)

57-54 Art. 58.152. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a)  
57-55 A victim may choose a pseudonym to be used instead of the victim's  
57-56 name to designate the victim in all public files and records  
57-57 concerning the offense, including police summary reports, press  
57-58 releases, and records of judicial proceedings. A victim who elects  
57-59 to use a pseudonym as provided by this subchapter must complete a  
57-60 pseudonym form developed under Subsection (b) and return the form  
57-61 to the law enforcement agency investigating the offense.

57-62 (b) The office of the attorney general shall develop and  
57-63 distribute to all law enforcement agencies of the state a pseudonym  
57-64 form to record the name, address, telephone number, and pseudonym  
57-65 of a victim. (Code Crim. Proc., Arts. 57A.02(a), (b).)

57-66 Art. 58.153. VICTIM INFORMATION CONFIDENTIAL. (a) A  
57-67 victim who completes a pseudonym form and returns the form to the  
57-68 law enforcement agency investigating the offense may not be  
57-69 required to disclose the victim's name, address, and telephone

58-1 number in connection with the investigation or prosecution of the  
58-2 offense.

58-3 (b) A completed and returned pseudonym form is confidential  
58-4 and may not be disclosed to any person other than the victim  
58-5 identified by the pseudonym form, a defendant in the case, or the  
58-6 defendant's attorney, except on an order of a court. The court  
58-7 finding required by Article 58.154 is not required to disclose the  
58-8 confidential pseudonym form to the victim identified by the  
58-9 pseudonym form, the defendant in the case, or the defendant's  
58-10 attorney.

58-11 (c) If a victim completes a pseudonym form and returns the  
58-12 form to a law enforcement agency under Article 58.152(a), the law  
58-13 enforcement agency receiving the form shall:

58-14 (1) remove the victim's name and substitute the  
58-15 pseudonym for the name on all reports, files, and records in the  
58-16 agency's possession;

58-17 (2) notify the attorney representing the state of the  
58-18 pseudonym and that the victim has elected to be designated by the  
58-19 pseudonym;

58-20 (3) provide to the victim a copy of the completed  
58-21 pseudonym form showing that the form was returned to the law  
58-22 enforcement agency; and

58-23 (4) maintain the form in a manner that protects the  
58-24 confidentiality of the information contained on the form.

58-25 (d) An attorney representing the state who receives notice  
58-26 that a victim has elected to be designated by a pseudonym shall  
58-27 ensure that the victim is designated by the pseudonym in all legal  
58-28 proceedings concerning the offense. (Code Crim. Proc.,  
58-29 Arts. 57A.02(c), (d), (e), (f).)

58-30 Art. 58.154. COURT-ORDERED DISCLOSURE OF VICTIM  
58-31 INFORMATION. A court may order the disclosure of a victim's name,  
58-32 address, and telephone number only if the court finds that:

58-33 (1) the information is essential in the trial of the  
58-34 defendant for the offense;

58-35 (2) the identity of the victim is in issue; or

58-36 (3) the disclosure is in the best interest of the  
58-37 victim. (Code Crim. Proc., Art. 57A.02(g).)

58-38 Art. 58.155. DISCLOSURE OF CERTAIN CHILD VICTIM INFORMATION  
58-39 PROHIBITED. Except as required or permitted by other law or by  
58-40 court order, a public servant or other person who has access to or  
58-41 obtains the name, address, telephone number, or other identifying  
58-42 information of a victim younger than 17 years of age may not release  
58-43 or disclose the identifying information to any person who is not  
58-44 assisting in the investigation, prosecution, or defense of the  
58-45 case. This article does not apply to the release or disclosure of a  
58-46 victim's identifying information by:

58-47 (1) the victim; or

58-48 (2) the victim's parent, conservator, or guardian,  
58-49 unless the victim's parent, conservator, or guardian allegedly  
58-50 committed the offense described by Article 58.151. (Code Crim.  
58-51 Proc., Art. 57A.02(h).)

58-52 Art. 58.156. OFFENSE. (a) A public servant commits an  
58-53 offense if the public servant:

58-54 (1) has access to the name, address, or telephone  
58-55 number of a victim 17 years of age or older who has chosen a  
58-56 pseudonym under this subchapter; and

58-57 (2) knowingly discloses the name, address, or  
58-58 telephone number of the victim to:

58-59 (A) a person who is not assisting in the  
58-60 investigation or prosecution of the offense; or

58-61 (B) a person other than:

58-62 (i) the defendant;

58-63 (ii) the defendant's attorney; or

58-64 (iii) the person specified in the order of a  
58-65 court.

58-66 (b) Unless the disclosure is required or permitted by other  
58-67 law, a public servant or other person commits an offense if the  
58-68 person:

58-69 (1) has access to or obtains the name, address, or

59-1 telephone number of a victim younger than 17 years of age; and  
59-2 (2) knowingly discloses the name, address, or  
59-3 telephone number of the victim to:  
59-4 (A) a person who is not assisting in the  
59-5 investigation or prosecution of the offense; or  
59-6 (B) a person other than:  
59-7 (i) the defendant;  
59-8 (ii) the defendant's attorney; or  
59-9 (iii) a person specified in an order of a  
59-10 court.  
59-11 (c) It is an affirmative defense to prosecution under  
59-12 Subsection (b) that the actor is:  
59-13 (1) the victim; or  
59-14 (2) the victim's parent, conservator, or guardian,  
59-15 unless the victim's parent, conservator, or guardian allegedly  
59-16 committed the offense described by Article 58.151.  
59-17 (d) An offense under this article is a Class C misdemeanor.  
59-18 (Code Crim. Proc., Art. 57A.03.)  
59-19 Art. 58.157. EFFECT ON OTHER LAW. This subchapter does not  
59-20 affect:  
59-21 (1) a victim's responsibility to provide documentation  
59-22 of stalking under Section 92.0161, Property Code; or  
59-23 (2) a person's power or duty to disclose the documented  
59-24 information as provided by Subsection (j) of that section. (Code  
59-25 Crim. Proc., Art. 57A.04.)  
59-26 SUBCHAPTER E. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF  
59-27 VICTIMS OF FAMILY VIOLENCE  
59-28 Art. 58.201. DEFINITION. In this subchapter, "victim"  
59-29 means a person who is the subject of:  
59-30 (1) an offense that allegedly constitutes family  
59-31 violence, as defined by Section 71.004, Family Code; or  
59-32 (2) an offense that is part of the same criminal  
59-33 episode, as defined by Section 3.01, Penal Code, as an offense  
59-34 described by Subdivision (1). (Code Crim. Proc., Art. 57B.01(4).)  
59-35 Art. 58.202. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a)  
59-36 A victim may choose a pseudonym to be used instead of the victim's  
59-37 name to designate the victim in all public files and records  
59-38 concerning the offense, including police summary reports, press  
59-39 releases, and records of judicial proceedings. A victim who elects  
59-40 to use a pseudonym as provided by this subchapter must complete a  
59-41 pseudonym form developed under Subsection (b) and return the form  
59-42 to the law enforcement agency investigating the offense.  
59-43 (b) The office of the attorney general shall develop and  
59-44 distribute to all law enforcement agencies of the state a pseudonym  
59-45 form to record the name, address, telephone number, and pseudonym  
59-46 of a victim. (Code Crim. Proc., Arts. 57B.02(a), (b).)  
59-47 Art. 58.203. VICTIM INFORMATION CONFIDENTIAL. (a) A  
59-48 victim who completes a pseudonym form and returns the form to the  
59-49 law enforcement agency investigating the offense may not be  
59-50 required to disclose the victim's name, address, and telephone  
59-51 number in connection with the investigation or prosecution of the  
59-52 offense.  
59-53 (b) A completed and returned pseudonym form is confidential  
59-54 and may not be disclosed to any person other than a defendant in the  
59-55 case or the defendant's attorney, except on an order of a court.  
59-56 The court finding required by Article 58.204 is not required to  
59-57 disclose the confidential pseudonym form to the defendant in the  
59-58 case or to the defendant's attorney.  
59-59 (c) If a victim completes a pseudonym form and returns the  
59-60 form to a law enforcement agency under Article 58.202(a), the law  
59-61 enforcement agency receiving the form shall:  
59-62 (1) remove the victim's name and substitute the  
59-63 pseudonym for the name on all reports, files, and records in the  
59-64 agency's possession;  
59-65 (2) notify the attorney representing the state of the  
59-66 pseudonym and that the victim has elected to be designated by the  
59-67 pseudonym; and  
59-68 (3) maintain the form in a manner that protects the  
59-69 confidentiality of the information contained on the form.

60-1 (d) An attorney representing the state who receives notice  
 60-2 that a victim has elected to be designated by a pseudonym shall  
 60-3 ensure that the victim is designated by the pseudonym in all legal  
 60-4 proceedings concerning the offense. (Code Crim. Proc.,  
 60-5 Arts. 57B.02(c), (d), (e), (f).)

60-6 Art. 58.204. COURT-ORDERED DISCLOSURE OF VICTIM  
 60-7 INFORMATION. A court may order the disclosure of a victim's name,  
 60-8 address, and telephone number only if the court finds that the  
 60-9 information is essential in the trial of the defendant for the  
 60-10 offense or the identity of the victim is in issue. (Code Crim.  
 60-11 Proc., Art. 57B.02(g).)

60-12 Art. 58.205. DISCLOSURE OF CERTAIN CHILD VICTIM INFORMATION  
 60-13 PROHIBITED. Except as required or permitted by other law or by  
 60-14 court order, a public servant or other person who has access to or  
 60-15 obtains the name, address, telephone number, or other identifying  
 60-16 information of a victim younger than 17 years of age may not release  
 60-17 or disclose the identifying information to any person who is not  
 60-18 assisting in the investigation, prosecution, or defense of the  
 60-19 case. This article does not apply to the release or disclosure of a  
 60-20 victim's identifying information by:

60-21 (1) the victim; or  
 60-22 (2) the victim's parent, conservator, or guardian,  
 60-23 unless the victim's parent, conservator, or guardian allegedly  
 60-24 committed the offense described by Article 58.201. (Code  
 60-25 Crim. Proc., Art. 57B.02(h).)

60-26 Art. 58.206. OFFENSE. (a) A public servant commits an  
 60-27 offense if the public servant:

60-28 (1) has access to the name, address, or telephone  
 60-29 number of a victim 17 years of age or older who has chosen a  
 60-30 pseudonym under this subchapter; and

60-31 (2) knowingly discloses the name, address, or  
 60-32 telephone number of the victim to:

60-33 (A) a person who is not assisting in the  
 60-34 investigation or prosecution of the offense; or

60-35 (B) a person other than:  
 60-36 (i) the defendant;  
 60-37 (ii) the defendant's attorney; or  
 60-38 (iii) the person specified in the order of a  
 60-39 court.

60-40 (b) Unless the disclosure is required or permitted by other  
 60-41 law, a public servant or other person commits an offense if the  
 60-42 person:

60-43 (1) has access to or obtains the name, address, or  
 60-44 telephone number of a victim younger than 17 years of age; and

60-45 (2) knowingly discloses the name, address, or  
 60-46 telephone number of the victim to:

60-47 (A) a person who is not assisting in the  
 60-48 investigation or prosecution of the offense; or

60-49 (B) a person other than:  
 60-50 (i) the defendant;  
 60-51 (ii) the defendant's attorney; or  
 60-52 (iii) a person specified in an order of a  
 60-53 court.

60-54 (c) It is an affirmative defense to prosecution under  
 60-55 Subsection (b) that the actor is:

60-56 (1) the victim; or  
 60-57 (2) the victim's parent, conservator, or guardian,  
 60-58 unless the victim's parent, conservator, or guardian allegedly  
 60-59 committed the offense described by Article 58.201.

60-60 (d) An offense under this article is a Class C misdemeanor.  
 60-61 (Code Crim. Proc., Art. 57B.03.)

60-62 Art. 58.207. APPLICABILITY OF SUBCHAPTER TO DEPARTMENT OF  
 60-63 FAMILY AND PROTECTIVE SERVICES. (a) This subchapter does not  
 60-64 require the Department of Family and Protective Services to use a  
 60-65 pseudonym in a department report, file, or record relating to the  
 60-66 abuse, neglect, or exploitation of a child or adult who may also be  
 60-67 the subject of an offense described by Article 58.201.

60-68 (b) To the extent permitted by law, the Department of Family  
 60-69 and Protective Services and a department employee, as necessary in

61-1 performing department duties, may disclose the name of a victim who  
 61-2 elects to use a pseudonym under this subchapter. (Code  
 61-3 Crim. Proc., Art. 57B.04.)

61-4 Art. 58.208. APPLICABILITY OF SUBCHAPTER TO POLITICAL  
 61-5 SUBDIVISIONS. This subchapter does not require a political  
 61-6 subdivision to use a pseudonym in a report, file, or record that:  
 61-7 (1) is not intended for distribution to the public; or  
 61-8 (2) is not the subject of an open records request under  
 61-9 Chapter 552, Government Code. (Code Crim. Proc., Art. 57B.05.)

61-10 SUBCHAPTER F. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF  
 61-11 VICTIMS OF TRAFFICKING OF PERSONS

61-12 Art. 58.251. DEFINITION. In this subchapter, "victim"  
 61-13 means a person who is the subject of:

- 61-14 (1) an offense under Section 20A.02, Penal Code; or
- 61-15 (2) an offense that is part of the same criminal  
 61-16 episode, as defined by Section 3.01, Penal Code, as an offense under  
 61-17 Section 20A.02, Penal Code. (Code Crim. Proc., Art. 57D.01(4).)

61-18 Art. 58.252. DESIGNATION OF PSEUDONYM; PSEUDONYM FORM. (a)  
 61-19 A victim may choose a pseudonym to be used instead of the victim's  
 61-20 name to designate the victim in all public files and records  
 61-21 concerning the offense, including police summary reports, press  
 61-22 releases, and records of judicial proceedings. A victim who elects  
 61-23 to use a pseudonym as provided by this subchapter must complete a  
 61-24 pseudonym form developed under Subsection (b) and return the form  
 61-25 to the law enforcement agency investigating the offense.

61-26 (b) The office of the attorney general shall develop and  
 61-27 distribute to all law enforcement agencies of the state a pseudonym  
 61-28 form to record the name, address, telephone number, and pseudonym  
 61-29 of a victim. (Code Crim. Proc., Arts. 57D.02(a), (b).)

61-30 Art. 58.253. VICTIM INFORMATION CONFIDENTIAL. (a) A  
 61-31 victim who completes a pseudonym form and returns the form to the  
 61-32 law enforcement agency investigating the offense may not be  
 61-33 required to disclose the victim's name, address, and telephone  
 61-34 number in connection with the investigation or prosecution of the  
 61-35 offense.

61-36 (b) A completed and returned pseudonym form is confidential  
 61-37 and may not be disclosed to any person other than a defendant in the  
 61-38 case or the defendant's attorney, except on an order of a court.  
 61-39 The court finding required by Article 58.254 is not required to  
 61-40 disclose the confidential pseudonym form to the defendant in the  
 61-41 case or to the defendant's attorney.

61-42 (c) If a victim completes a pseudonym form and returns the  
 61-43 form to a law enforcement agency under Article 58.252(a), the law  
 61-44 enforcement agency receiving the form shall:

61-45 (1) remove the victim's name and substitute the  
 61-46 pseudonym for the name on all reports, files, and records in the  
 61-47 agency's possession;

61-48 (2) notify the attorney representing the state of the  
 61-49 pseudonym and that the victim has elected to be designated by the  
 61-50 pseudonym; and

61-51 (3) maintain the form in a manner that protects the  
 61-52 confidentiality of the information contained on the form.

61-53 (d) An attorney representing the state who receives notice  
 61-54 that a victim has elected to be designated by a pseudonym shall  
 61-55 ensure that the victim is designated by the pseudonym in all legal  
 61-56 proceedings concerning the offense. (Code Crim. Proc.,  
 61-57 Arts. 57D.02(c), (d), (e), (f).)

61-58 Art. 58.254. COURT-ORDERED DISCLOSURE OF VICTIM  
 61-59 INFORMATION. A court may order the disclosure of a victim's name,  
 61-60 address, and telephone number only if the court finds that the  
 61-61 information is essential in the trial of the defendant for the  
 61-62 offense or the identity of the victim is in issue. (Code Crim.  
 61-63 Proc., Art. 57D.02(g).)

61-64 Art. 58.255. DISCLOSURE OF CHILD VICTIM INFORMATION  
 61-65 PROHIBITED. Except as required or permitted by other law or by  
 61-66 court order, a public servant or other person who has access to or  
 61-67 obtains the name, address, telephone number, or other identifying  
 61-68 information of a victim younger than 18 years of age may not release  
 61-69 or disclose the identifying information to any person who is not

62-1 assisting in the investigation, prosecution, or defense of the  
 62-2 case. This article does not apply to the release or disclosure of a  
 62-3 victim's identifying information by:

62-4 (1) the victim; or

62-5 (2) the victim's parent, conservator, or guardian,  
 62-6 unless the victim's parent, conservator, or guardian allegedly  
 62-7 committed the offense described by Article 58.251. (Code Crim.  
 62-8 Proc., Art. 57D.02(h).)

62-9 Art. 58.256. OFFENSE. (a) A public servant commits an  
 62-10 offense if the public servant:

62-11 (1) has access to the name, address, or telephone  
 62-12 number of a victim 18 years of age or older who has chosen a  
 62-13 pseudonym under this subchapter; and

62-14 (2) knowingly discloses the name, address, or  
 62-15 telephone number of the victim to:

62-16 (A) a person who is not assisting in the  
 62-17 investigation or prosecution of the offense; or

62-18 (B) a person other than:

62-19 (i) the defendant;

62-20 (ii) the defendant's attorney; or

62-21 (iii) the person specified in the order of a  
 62-22 court.

62-23 (b) Unless the disclosure is required or permitted by other  
 62-24 law, a public servant or other person commits an offense if the  
 62-25 person:

62-26 (1) has access to or obtains the name, address, or  
 62-27 telephone number of a victim younger than 18 years of age; and

62-28 (2) knowingly discloses the name, address, or  
 62-29 telephone number of the victim to:

62-30 (A) a person who is not assisting in the  
 62-31 investigation or prosecution of the offense; or

62-32 (B) a person other than:

62-33 (i) the defendant;

62-34 (ii) the defendant's attorney; or

62-35 (iii) a person specified in an order of a  
 62-36 court.

62-37 (c) It is an affirmative defense to prosecution under  
 62-38 Subsection (b) that the actor is:

62-39 (1) the victim; or

62-40 (2) the victim's parent, conservator, or guardian,  
 62-41 unless the victim's parent, conservator, or guardian allegedly  
 62-42 committed the offense described by Article 58.251.

62-43 (d) An offense under this article is a Class C misdemeanor.  
 62-44 (Code Crim. Proc., Art. 57D.03.)

62-45 SUBCHAPTER G. SEALING OF MEDICAL RECORDS OF CERTAIN CHILD VICTIMS

62-46 Art. 58.301. DEFINITIONS. In this subchapter:

62-47 (1) "Child" means a person who is younger than 18 years  
 62-48 of age.

62-49 (2) "Medical records" means any information used or  
 62-50 generated by health care providers, including records relating to  
 62-51 emergency room treatment, rehabilitation therapy, or counseling.  
 62-52 (Code Crim. Proc., Art. 57C.01.)

62-53 Art. 58.302. SEALING OF MEDICAL RECORDS. (a) Except as  
 62-54 provided by Subsection (c), on a motion filed by a person described  
 62-55 by Subsection (b), the court shall seal the medical records of a  
 62-56 child who is a victim of an offense described by Section 1, Article  
 62-57 38.071.

62-58 (b) A motion under this article may be filed on the court's  
 62-59 own motion or by:

62-60 (1) the attorney representing the state;

62-61 (2) the defendant; or

62-62 (3) the parent or guardian of the victim or, if the  
 62-63 victim is no longer a child, the victim.

62-64 (c) The court is not required to seal the records described  
 62-65 by this article on a finding of good cause after a hearing held  
 62-66 under Subsection (d).

62-67 (d) The court shall grant the motion without a hearing  
 62-68 unless the motion is contested not later than the seventh day after  
 62-69 the date the motion is filed. (Code Crim. Proc., Arts. 57C.02(a),

63-1 (b), (c), (d).)

63-2 Art. 58.303. ACCESS TO SEALED MEDICAL RECORDS. Medical  
63-3 records sealed under this subchapter are not open for inspection by  
63-4 any person except:

63-5 (1) on further order of the court after:

63-6 (A) notice to a parent or guardian of the victim  
63-7 whose information is sealed or, if the victim is no longer a child,  
63-8 notice to the victim; and

63-9 (B) a finding of good cause;

63-10 (2) in connection with a criminal or civil proceeding  
63-11 as otherwise provided by law; or

63-12 (3) on request of a parent or legal guardian of the  
63-13 victim whose information is sealed or, if the victim is no longer a  
63-14 child, on request of the victim. (Code Crim. Proc., Art.  
63-15 [57C.02](#)(e).)

63-16 Art. 58.304. LIABILITY. Except on a showing of bad faith, a  
63-17 clerk of the court is not liable for any failure to seal medical  
63-18 records after the court grants a motion under this subchapter.  
63-19 (Code Crim. Proc., Art. [57C.02](#)(f).)

#### 63-20 ARTICLE 2. CONFORMING AMENDMENTS

63-21 SECTION 2.01. Section [101.005](#)(d), Business & Commerce Code,  
63-22 is amended to read as follows:

63-23 (d) A penalty collected under this section by the attorney  
63-24 general or a district or county attorney shall be deposited in the  
63-25 state treasury to the credit of the compensation to victims of crime  
63-26 fund established under Subchapter J, Chapter 56B [~~Article 56.54~~],  
63-27 Code of Criminal Procedure.

63-28 SECTION 2.02. Section [140A.110](#)(c), Civil Practice and  
63-29 Remedies Code, is amended to read as follows:

63-30 (c) The first \$10 million, after any costs of suit described  
63-31 by Subsection (b), that is paid to the state under this chapter in a  
63-32 fiscal year shall be dedicated to the compensation to victims of  
63-33 crime fund described by Subchapter J, Chapter 56B [~~Article 56.54~~],  
63-34 Code of Criminal Procedure.

63-35 SECTION 2.03. Section [154.023](#)(c), Civil Practice and  
63-36 Remedies Code, is amended to read as follows:

63-37 (c) Mediation includes victim-offender mediation by the  
63-38 Texas Department of Criminal Justice described in Article [56A.602](#)  
63-39 [~~56.13~~], Code of Criminal Procedure.

63-40 SECTION 2.04. Section [154.073](#)(g), Civil Practice and  
63-41 Remedies Code, is amended to read as follows:

63-42 (g) This section applies to a victim-offender mediation by  
63-43 the Texas Department of Criminal Justice as described in Article  
63-44 [56A.602](#) [~~56.13~~], Code of Criminal Procedure.

63-45 SECTION 2.05. Article [2.13951](#)(e), Code of Criminal  
63-46 Procedure, is amended to read as follows:

63-47 (e) A civil penalty collected under this article shall be  
63-48 deposited to the credit of the compensation to victims of crime fund  
63-49 established under Subchapter J [~~B~~], Chapter [56B](#) [~~56~~].

63-50 SECTION 2.06. Article [2.21](#)(f-1), Code of Criminal  
63-51 Procedure, is amended to read as follows:

63-52 (f-1) Notwithstanding Section [263.156](#), Local Government  
63-53 Code, or any other law, the commissioners court shall remit 50  
63-54 percent of any proceeds of the disposal of an eligible exhibit as  
63-55 surplus or salvage property as described by Subsection (f), less  
63-56 the reasonable expense of keeping the exhibit before disposal and  
63-57 the costs of that disposal, to each of the following:

63-58 (1) the county treasury, to be used only to defray the  
63-59 costs incurred by the district clerk of the county for the  
63-60 management, maintenance, or destruction of eligible exhibits in the  
63-61 county; and

63-62 (2) the state treasury to the credit of the  
63-63 compensation to victims of crime fund established under Subchapter  
63-64 J [~~B~~], Chapter [56B](#) [~~56~~].

63-65 SECTION 2.07. Article [2.31](#), Code of Criminal Procedure, as  
63-66 added by Chapter 176 (S.B. 604), Acts of the 82nd Legislature,  
63-67 Regular Session, 2011, is amended to read as follows:

63-68 Art. 2.31. COUNTY JAILERS. If a jailer licensed under  
63-69 Chapter [1701](#), Occupations Code, has successfully completed a

64-1 training program provided by the sheriff, the jailer may execute  
 64-2 lawful process issued to the jailer by any magistrate or court on a  
 64-3 person confined in the jail at which the jailer is employed to the  
 64-4 same extent that a peace officer is authorized to execute process  
 64-5 under Article 2.13(b)(2), including:

- 64-6 (1) a warrant under Chapter 15, 17, or 18;
- 64-7 (2) a capias under Chapter 17 or 23;
- 64-8 (3) a subpoena under Chapter 20A [20] or 24; or
- 64-9 (4) an attachment under Chapter 20A [20] or 24.

64-10 SECTION 2.08. Article 2.31, Code of Criminal Procedure, as  
 64-11 added by Chapter 1341 (S.B. 1233), Acts of the 82nd Legislature,  
 64-12 Regular Session, 2011, is amended to read as follows:

64-13 Art. 2.31. COUNTY JAILERS. A jailer licensed under Chapter  
 64-14 1701, Occupations Code, may execute lawful process issued to the  
 64-15 jailer by any magistrate or court on a person confined in the jail  
 64-16 at which the jailer is employed to the same extent that a peace  
 64-17 officer is authorized to execute process under Article 2.13(b)(2),  
 64-18 including:

- 64-19 (1) a warrant under Chapter 15, 17, or 18;
- 64-20 (2) a capias under Chapter 17 or 23;
- 64-21 (3) a subpoena under Chapter 20A [20] or 24; or
- 64-22 (4) an attachment under Chapter 20A [20] or 24.

64-23 SECTION 2.09. Article 26.13(e), Code of Criminal Procedure,  
 64-24 is amended to read as follows:

64-25 (e) Before accepting a plea of guilty or a plea of nolo  
 64-26 contendere, the court shall, as applicable in the case:

64-27 (1) inquire as to whether a victim impact statement  
 64-28 has been returned to the attorney representing the state and ask for  
 64-29 a copy of the statement if one has been returned; and

64-30 (2) inquire as to whether the attorney representing  
 64-31 the state has given notice of the existence and terms of any plea  
 64-32 bargain agreement to the victim, guardian of a victim, or close  
 64-33 relative of a deceased victim, as those terms are defined by Article  
 64-34 56A.001 [56.01].

64-35 SECTION 2.10. Article 36.03(d)(1), Code of Criminal  
 64-36 Procedure, is amended to read as follows:

64-37 (1) "Close relative of a deceased victim" and  
 64-38 "guardian of a victim" have the meanings assigned by Article  
 64-39 56A.001 [56.01].

64-40 SECTION 2.11. Sections 4(c) and (d), Article 38.11, Code of  
 64-41 Criminal Procedure, are amended to read as follows:

64-42 (c) Notwithstanding Subsection (b), if the information,  
 64-43 document, or item was disclosed or received in violation of a grand  
 64-44 jury oath given to either a juror or a witness under Article 19A.202  
 64-45 [19.34] or 20A.256 [20.16], a journalist may be compelled to  
 64-46 testify if the person seeking the testimony, production, or  
 64-47 disclosure makes a clear and specific showing that the subpoenaing  
 64-48 party has exhausted reasonable efforts to obtain from alternative  
 64-49 sources the confidential source of any information, document, or  
 64-50 item obtained. In this context, the court has the discretion to  
 64-51 conduct an in camera hearing. The court may not order the  
 64-52 production of the confidential source until a ruling has been made  
 64-53 on the motion.

64-54 (d) An application for a subpoena of a journalist under  
 64-55 Article 24.03, or a subpoena of a journalist issued by an attorney  
 64-56 representing the state under Article 20A.251 [20.10] or 20A.252  
 64-57 [20.11], must be signed by the elected district attorney, elected  
 64-58 criminal district attorney, or elected county attorney, as  
 64-59 applicable. If the elected district attorney, elected criminal  
 64-60 district attorney, or elected county attorney has been disqualified  
 64-61 or recused or has resigned, the application for the subpoena or the  
 64-62 subpoena must be signed by the person succeeding the elected  
 64-63 attorney. If the elected officer is not in the jurisdiction, the  
 64-64 highest ranking assistant to the elected officer must sign the  
 64-65 subpoena.

64-66 SECTION 2.12. Section 11, Article 42.01, Code of Criminal  
 64-67 Procedure, is amended to read as follows:

64-68 Sec. 11. In addition to the information described by  
 64-69 Section 1, the judgment should reflect whether a victim impact

65-1 statement was returned to the attorney representing the state  
 65-2 pursuant to Article 56A.157(a) [~~56.03(e)~~].

65-3 SECTION 2.13. Section 1(b), Article 42.03, Code of Criminal  
 65-4 Procedure, is amended to read as follows:

65-5 (b) The court shall permit a victim, close relative of a  
 65-6 deceased victim, or guardian of a victim, as defined by Article  
 65-7 56A.001 [~~56.01 of this code~~], to appear in person to present to the  
 65-8 court and to the defendant a statement of the person's views about  
 65-9 the offense, the defendant, and the effect of the offense on the  
 65-10 victim. The victim, relative, or guardian may not direct questions  
 65-11 to the defendant while making the statement. The court reporter may  
 65-12 not transcribe the statement. The statement must be made:

65-13 (1) after punishment has been assessed and the court  
 65-14 has determined whether or not to grant community supervision in the  
 65-15 case;

65-16 (2) after the court has announced the terms and  
 65-17 conditions of the sentence; and

65-18 (3) after sentence is pronounced.

65-19 SECTION 2.14. Articles 42.037(a) and (i), Code of Criminal  
 65-20 Procedure, are amended to read as follows:

65-21 (a) In addition to any fine authorized by law, the court  
 65-22 that sentences a defendant convicted of an offense may order the  
 65-23 defendant to make restitution to any victim of the offense or to the  
 65-24 compensation to victims of crime fund established under Subchapter  
 65-25 J [~~B~~], Chapter 56B [~~56~~], to the extent that fund has paid  
 65-26 compensation to or on behalf of the victim. If the court does not  
 65-27 order restitution or orders partial restitution under this  
 65-28 subsection, the court shall state on the record the reasons for not  
 65-29 making the order or for the limited order.

65-30 (i) In addition to any other terms and conditions of  
 65-31 community supervision imposed under Chapter 42A, the court may  
 65-32 require a defendant to reimburse the compensation to victims of  
 65-33 crime fund created under Subchapter J [~~B~~], Chapter 56B [~~56~~], for any  
 65-34 amounts paid from that fund to or on behalf of a victim of the  
 65-35 defendant's offense. In this subsection, "victim" has the meaning  
 65-36 assigned by Article 56B.003 [~~56.32~~].

65-37 SECTION 2.15. Section 8(a), Article 42.09, Code of Criminal  
 65-38 Procedure, is amended to read as follows:

65-39 (a) A county that transfers a defendant to the Texas  
 65-40 Department of Criminal Justice under this article shall deliver to  
 65-41 an officer designated by the department:

65-42 (1) a copy of the judgment entered pursuant to Article  
 65-43 42.01, completed on a standardized felony judgment form described  
 65-44 by Section 4 of that article;

65-45 (2) a copy of any order revoking community supervision  
 65-46 and imposing sentence pursuant to Article 42A.755, including:

65-47 (A) any amounts owed for restitution, fines, and  
 65-48 court costs, completed on a standardized felony judgment form  
 65-49 described by Section 4, Article 42.01; and

65-50 (B) a copy of the client supervision plan  
 65-51 prepared for the defendant by the community supervision and  
 65-52 corrections department supervising the defendant, if such a plan  
 65-53 was prepared;

65-54 (3) a written report that states the nature and the  
 65-55 seriousness of each offense and that states the citation to the  
 65-56 provision or provisions of the Penal Code or other law under which  
 65-57 the defendant was convicted;

65-58 (4) a copy of the victim impact statement, if one has  
 65-59 been prepared in the case under Subchapter D, Chapter 56A [~~Article~~  
 65-60 ~~56.03~~];

65-61 (5) a statement as to whether there was a change in  
 65-62 venue in the case and, if so, the names of the county prosecuting  
 65-63 the offense and the county in which the case was tried;

65-64 (6) if requested, information regarding the criminal  
 65-65 history of the defendant, including the defendant's state  
 65-66 identification number if the number has been issued;

65-67 (7) a copy of the indictment or information for each  
 65-68 offense;

65-69 (8) a checklist sent by the department to the county

66-1 and completed by the county in a manner indicating that the  
66-2 documents required by this subsection and Subsection (c) accompany  
66-3 the defendant;

66-4 (9) if prepared, a copy of a presentence or  
66-5 postsentence report prepared under Subchapter F, Chapter 42A;

66-6 (10) a copy of any detainer, issued by an agency of the  
66-7 federal government, that is in the possession of the county and that  
66-8 has been placed on the defendant;

66-9 (11) if prepared, a copy of the defendant's Texas  
66-10 Uniform Health Status Update Form; and

66-11 (12) a written description of a hold or warrant,  
66-12 issued by any other jurisdiction, that the county is aware of and  
66-13 that has been placed on or issued for the defendant.

66-14 SECTION 2.16. Section 1(4), Article 42.22, Code of Criminal  
66-15 Procedure, is amended to read as follows:

66-16 (4) "Victim" means:

66-17 (A) a "close relative of a deceased victim,"  
66-18 "guardian of a victim," or "victim," as those terms are defined by  
66-19 Article 56A.001 [~~56.01 of this code~~]; or

66-20 (B) an individual who suffers damages as a result  
66-21 of another committing an offense under Section 38.04, Penal Code,  
66-22 in which the defendant used a motor vehicle while the defendant was  
66-23 in flight.

66-24 SECTION 2.17. Article 42A.301(b), Code of Criminal  
66-25 Procedure, is amended to read as follows:

66-26 (b) Conditions of community supervision may include  
66-27 conditions requiring the defendant to:

66-28 (1) commit no offense against the laws of this state or  
66-29 of any other state or of the United States;

66-30 (2) avoid injurious or vicious habits;

66-31 (3) avoid persons or places of disreputable or harmful  
66-32 character, including any person, other than a family member of the  
66-33 defendant, who is an active member of a criminal street gang;

66-34 (4) report to the supervision officer as directed by  
66-35 the judge or supervision officer and obey all rules and regulations  
66-36 of the community supervision and corrections department;

66-37 (5) permit the supervision officer to visit the  
66-38 defendant at the defendant's home or elsewhere;

66-39 (6) work faithfully at suitable employment to the  
66-40 extent possible;

66-41 (7) remain within a specified place;

66-42 (8) pay in one or more amounts:

66-43 (A) the defendant's fine, if one is assessed; and

66-44 (B) all court costs, regardless of whether a fine  
66-45 is assessed;

66-46 (9) support the defendant's dependents;

66-47 (10) participate, for a period specified by the judge,  
66-48 in any community-based program, including a community service  
66-49 project under Article 42A.304;

66-50 (11) if the judge determines that the defendant has  
66-51 financial resources that enable the defendant to offset in part or  
66-52 in whole the costs of the legal services provided to the defendant  
66-53 in accordance with Article 1.051(c) or (d), including any expenses  
66-54 and costs, reimburse the county in which the prosecution was  
66-55 instituted for the costs of the legal services in an amount that the  
66-56 judge finds the defendant is able to pay, except that the defendant  
66-57 may not be ordered to pay an amount that exceeds:

66-58 (A) the actual costs, including any expenses and  
66-59 costs, paid by the county for the legal services provided by an  
66-60 appointed attorney; or

66-61 (B) if the defendant was represented by a public  
66-62 defender's office, the actual amount, including any expenses and  
66-63 costs, that would have otherwise been paid to an appointed attorney  
66-64 had the county not had a public defender's office;

66-65 (12) if under custodial supervision in a community  
66-66 corrections facility:

66-67 (A) remain under that supervision;

66-68 (B) obey all rules and regulations of the  
66-69 facility; and

(C) pay a percentage of the defendant's income

to:

(i) the facility for room and board; and

(ii) the defendant's dependents for their

support during the period of custodial supervision;

(13) submit to testing for alcohol or controlled substances;

(14) attend counseling sessions for substance abusers or participate in substance abuse treatment services in a program or facility approved or licensed by the Department of State Health Services;

(15) with the consent of the victim of a misdemeanor offense or of any offense under Title 7, Penal Code, participate in victim-defendant mediation;

(16) submit to electronic monitoring;

(17) reimburse the compensation to victims of crime fund for any amounts paid from that fund to or on behalf of a victim, as defined by Article 56B.003 [~~56.32~~], of the offense or if no reimbursement is required, make one payment to the compensation to victims of crime fund in an amount not to exceed \$50 if the offense is a misdemeanor or not to exceed \$100 if the offense is a felony;

(18) reimburse a law enforcement agency for the analysis, storage, or disposal of raw materials, controlled substances, chemical precursors, drug paraphernalia, or other materials seized in connection with the offense;

(19) pay all or part of the reasonable and necessary costs incurred by the victim for psychological counseling made necessary by the offense or for counseling and education relating to acquired immune deficiency syndrome or human immunodeficiency virus made necessary by the offense;

(20) make one payment in an amount not to exceed \$50 to a crime stoppers organization, as defined by Section 414.001, Government Code, and as certified by the Texas Crime Stoppers Council;

(21) submit a DNA sample to the Department of Public Safety under Subchapter G, Chapter 411, Government Code, for the purpose of creating a DNA record of the defendant;

(22) in any manner required by the judge, provide in the county in which the offense was committed public notice of the offense for which the defendant was placed on community supervision; and

(23) reimburse the county in which the prosecution was instituted for compensation paid to any interpreter in the case.

SECTION 2.18. Article 46C.003, Code of Criminal Procedure, is amended to read as follows:

Art. 46C.003. VICTIM NOTIFICATION OF RELEASE. If the court issues an order that requires the release of an acquitted person on discharge or on a regimen of outpatient care, the clerk of the court issuing the order, using the information provided on any victim impact statement received by the court under Subchapter D, Chapter 56A [~~Article 56.03~~] or other information made available to the court, shall notify the victim or the victim's guardian or close relative of the release. Notwithstanding Article 56A.156 [~~56.03(f)~~], the clerk of the court may inspect a victim impact statement for the purpose of notification under this article. On request, a victim assistance coordinator may provide the clerk of the court with information or other assistance necessary for the clerk to comply with this article.

SECTION 2.19. Article 59.06(k)(3), Code of Criminal Procedure, is amended to read as follows:

(3) The attorney general shall deposit the money or proceeds from the sale of the property into an escrow account. The money in the account is available to satisfy a judgment against the person who committed the crime in favor of a victim of the crime if the judgment is for damages incurred by the victim caused by the commission of the crime. The attorney general shall transfer the money in the account that has not been ordered paid to a victim in satisfaction of a judgment to the compensation to victims of crime fund on the fifth anniversary of the date the account was

68-1 established. In this subsection, "victim" has the meaning assigned  
68-2 by Article 56B.003 [~~56.32~~].

68-3 SECTION 2.20. Article 59.13(a), Code of Criminal Procedure,  
68-4 is amended to read as follows:

68-5 (a) The attorney representing the state may disclose  
68-6 information to the primary state or federal financial institution  
68-7 regulator, including grand jury information or otherwise  
68-8 confidential information, relating to any action contemplated or  
68-9 brought under this chapter that involves property consisting of a  
68-10 depository account in a regulated financial institution or assets  
68-11 held by a regulated financial institution as security for an  
68-12 obligation owed to a regulated financial institution. An attorney  
68-13 representing the state who discloses information as permitted by  
68-14 this subsection is not subject to contempt under Subchapter E,  
68-15 Chapter 20A, [~~Article 20.02~~] for that disclosure.

68-16 SECTION 2.21. Article 62.0061(d), Code of Criminal  
68-17 Procedure, is amended to read as follows:

68-18 (d) A commercial social networking site that uses  
68-19 information received under Subsection (a) in any manner not  
68-20 described by Subsection (c)(1) or that violates a rule adopted by  
68-21 the department under Subsection (b) is subject to a civil penalty of  
68-22 \$1,000 for each misuse of information or rule violation. A  
68-23 commercial social networking site that is assessed a civil penalty  
68-24 under this article shall pay, in addition to the civil penalty, all  
68-25 court costs, investigative costs, and attorney's fees associated  
68-26 with the assessment of the penalty. A civil penalty assessed under  
68-27 this subsection shall be deposited to the compensation to victims  
68-28 of crime fund established under Subchapter J [~~B~~], Chapter 56B [~~56~~].

68-29 SECTION 2.22. Article 63.065(b), Code of Criminal  
68-30 Procedure, is amended to read as follows:

68-31 (b) Notwithstanding Article 56B.453(a) [~~56.54~~(g)], the  
68-32 legislature may appropriate money in the compensation to victims of  
68-33 crime fund and the compensation to victims of crime auxiliary fund  
68-34 to fund the University of North Texas Health Science Center at Fort  
68-35 Worth missing persons DNA database. Legislative appropriations  
68-36 under this subsection shall be deposited to the credit of the  
68-37 account created under Subsection (a).

68-38 SECTION 2.23. Sections 96.65(a)(1), (2), and (4), Education  
68-39 Code, are amended to read as follows:

68-40 (1) "Close relative of a deceased victim" has the  
68-41 meaning assigned by Article 56A.001 [~~56.01~~], Code of Criminal  
68-42 Procedure.

68-43 (2) "Guardian of a victim" has the meaning assigned by  
68-44 Article 56A.001 [~~56.01~~], Code of Criminal Procedure.

68-45 (4) "Victim" has the meaning assigned by Article  
68-46 56A.001 [~~56.01~~], Code of Criminal Procedure.

68-47 SECTION 2.24. Section 96.651(a)(2), Education Code, is  
68-48 amended to read as follows:

68-49 (2) "Victim" has the meaning assigned by Article  
68-50 56A.001 [~~56.01~~], Code of Criminal Procedure.

68-51 SECTION 2.25. Section 13.002(e), Election Code, is amended  
68-52 to read as follows:

68-53 (e) A person who is certified for participation in the  
68-54 address confidentiality program administered by the attorney  
68-55 general under Subchapter B [~~C~~], Chapter 58 [~~56~~], Code of Criminal  
68-56 Procedure, is not eligible for early voting by mail under Section  
68-57 82.007 unless the person submits an application under this section  
68-58 by personal delivery. The secretary of state may adopt rules to  
68-59 implement this subsection.

68-60 SECTION 2.26. Section 13.004(c), Election Code, is amended  
68-61 to read as follows:

68-62 (c) The following information furnished on a registration  
68-63 application is confidential and does not constitute public  
68-64 information for purposes of Chapter 552, Government Code:

68-65 (1) a social security number;

68-66 (2) a Texas driver's license number;

68-67 (3) a number of a personal identification card issued  
68-68 by the Department of Public Safety;

68-69 (4) an indication that an applicant is interested in

69-1 working as an election judge;

69-2 (5) the residence address of the applicant, if the  
69-3 applicant is a federal judge or state judge, as defined by Section  
69-4 13.0021, the spouse of a federal judge or state judge, or an  
69-5 individual to whom Section 552.1175, Government Code, applies and  
69-6 the applicant:

69-7 (A) included an affidavit with the registration  
69-8 application describing the applicant's status under this  
69-9 subdivision, including an affidavit under Section 13.0021 if the  
69-10 applicant is a federal judge or state judge or the spouse of a  
69-11 federal judge or state judge;

69-12 (B) provided the registrar with an affidavit  
69-13 describing the applicant's status under this subdivision,  
69-14 including an affidavit under Section 15.0215 if the applicant is a  
69-15 federal judge or state judge or the spouse of a federal judge or  
69-16 state judge; or

69-17 (C) provided the registrar with a completed form  
69-18 approved by the secretary of state for the purpose of notifying the  
69-19 registrar of the applicant's status under this subdivision;

69-20 (6) the residence address of the applicant, if the  
69-21 applicant, the applicant's child, or another person in the  
69-22 applicant's household is a victim of family violence as defined by  
69-23 Section 71.004, Family Code, who provided the registrar with:

69-24 (A) a copy of a protective order issued under  
69-25 Chapter 85, Family Code, or a magistrate's order for emergency  
69-26 protection issued under Article 17.292, Code of Criminal Procedure;  
69-27 or

69-28 (B) other independent documentary evidence  
69-29 necessary to show that the applicant, the applicant's child, or  
69-30 another person in the applicant's household is a victim of family  
69-31 violence;

69-32 (7) the residence address of the applicant, if the  
69-33 applicant, the applicant's child, or another person in the  
69-34 applicant's household is a victim of sexual assault or abuse,  
69-35 stalking, or trafficking of persons who provided the registrar  
69-36 with:

69-37 (A) a copy of a protective order issued under  
69-38 Subchapter A or B, Chapter 7B [~~7A or Article 6.09~~], Code of Criminal  
69-39 Procedure, or a magistrate's order for emergency protection issued  
69-40 under Article 17.292, Code of Criminal Procedure; or

69-41 (B) other independent documentary evidence  
69-42 necessary to show that the applicant, the applicant's child, or  
69-43 another person in the applicant's household is a victim of sexual  
69-44 assault or abuse, stalking, or trafficking of persons; or

69-45 (8) the residence address of the applicant, if the  
69-46 applicant:

69-47 (A) is a participant in the address  
69-48 confidentiality program administered by the attorney general under  
69-49 Subchapter B [~~C~~], Chapter 58 [~~56~~], Code of Criminal Procedure; and

69-50 (B) provided the registrar with proof of  
69-51 certification under Article 58.059 [~~56.84~~], Code of Criminal  
69-52 Procedure.

69-53 SECTION 2.27. Section 18.0051, Election Code, is amended to  
69-54 read as follows:

69-55 Sec. 18.0051. CONTENTS OF LIST: SUBSTITUTE ADDRESS. An  
69-56 original or supplemental list of registered voters must contain a  
69-57 voter's substitute post office box address designated by the  
69-58 attorney general under Article 58.052(b) [~~56.82(b)~~], Code of  
69-59 Criminal Procedure, for use by the voter in place of the voter's  
69-60 true residential, business, or school address if the voter is  
69-61 eligible for early voting by mail under Section 82.007 and has  
69-62 submitted an early voting ballot application as required by Section  
69-63 84.0021.

69-64 SECTION 2.28. Section 82.007, Election Code, is amended to  
69-65 read as follows:

69-66 Sec. 82.007. PARTICIPATION IN ADDRESS CONFIDENTIALITY  
69-67 PROGRAM. A qualified voter is eligible for early voting by mail if:

69-68 (1) the voter submitted a registration application by  
69-69 personal delivery as required by Section 13.002(e); and

70-1 (2) at the time the voter's early voting ballot  
 70-2 application is submitted, the voter is certified for participation  
 70-3 in the address confidentiality program administered by the attorney  
 70-4 general under Subchapter B [~~€~~], Chapter 58 [~~56~~], Code of Criminal  
 70-5 Procedure.

70-6 SECTION 2.29. Section 84.0021(a), Election Code, is amended  
 70-7 to read as follows:

70-8 (a) An early voting ballot application submitted by a  
 70-9 qualified voter who is eligible for early voting by mail under  
 70-10 Section 82.007 must include:

70-11 (1) the applicant's name and address at which the  
 70-12 applicant is registered to vote;

70-13 (2) the substitute post office box address designated  
 70-14 by the attorney general under Article 58.052(b) [~~56.82(b)~~], Code of  
 70-15 Criminal Procedure, for use by the voter in place of the voter's  
 70-16 true residential, business, or school address; and

70-17 (3) an indication of each election for which the  
 70-18 applicant is applying for a ballot.

70-19 SECTION 2.30. Section 6.405(a), Family Code, is amended to  
 70-20 read as follows:

70-21 (a) The petition in a suit for dissolution of a marriage  
 70-22 must state whether, in regard to a party to the suit or a child of a  
 70-23 party to the suit:

70-24 (1) there is in effect:

70-25 (A) a protective order under Title 4;

70-26 (B) a protective order under Subchapter A,  
 70-27 Chapter 7B [~~7A~~], Code of Criminal Procedure; or

70-28 (C) an order for emergency protection under  
 70-29 Article 17.292, Code of Criminal Procedure; or

70-30 (2) an application for an order described by  
 70-31 Subdivision (1) is pending.

70-32 SECTION 2.31. Section 51.17(h), Family Code, is amended to  
 70-33 read as follows:

70-34 (h) Articles 58.001, 58.101, 58.102, 58.103, 58.104,  
 70-35 58.105, [~~57.01~~] and 58.106 [~~57.02~~], Code of Criminal Procedure,  
 70-36 relating to the use of a pseudonym by a victim in a criminal case,  
 70-37 apply in a proceeding held under this title.

70-38 SECTION 2.32. Section 57.002, Family Code, is amended to  
 70-39 read as follows:

70-40 Sec. 57.002. VICTIM'S RIGHTS. (a) A victim, guardian of a  
 70-41 victim, or close relative of a deceased victim is entitled to the  
 70-42 following rights within the juvenile justice system:

70-43 (1) the right to receive from law enforcement agencies  
 70-44 adequate protection from harm and threats of harm arising from  
 70-45 cooperation with prosecution efforts;

70-46 (2) the right to have the court or person appointed by  
 70-47 the court take the safety of the victim or the victim's family into  
 70-48 consideration as an element in determining whether the child should  
 70-49 be detained before the child's conduct is adjudicated;

70-50 (3) the right, if requested, to be informed of  
 70-51 relevant court proceedings, including appellate proceedings, and  
 70-52 to be informed in a timely manner if those court proceedings have  
 70-53 been canceled or rescheduled;

70-54 (4) the right to be informed, when requested, by the  
 70-55 court or a person appointed by the court concerning the procedures  
 70-56 in the juvenile justice system, including general procedures  
 70-57 relating to:

70-58 (A) the preliminary investigation and deferred  
 70-59 prosecution of a case; and

70-60 (B) the appeal of the case;

70-61 (5) the right to provide pertinent information to a  
 70-62 juvenile court conducting a disposition hearing concerning the  
 70-63 impact of the offense on the victim and the victim's family by  
 70-64 testimony, written statement, or any other manner before the court  
 70-65 renders its disposition;

70-66 (6) the right to receive information regarding  
 70-67 compensation to victims as provided by [~~Subchapter B~~] Chapter 56B  
 70-68 [~~56~~], Code of Criminal Procedure, including information related to  
 70-69 the costs that may be compensated under that chapter [~~subchapter~~]

71-1 and the amount of compensation, eligibility for compensation, and  
 71-2 procedures for application for compensation under that chapter  
 71-3 [~~subchapter~~], the payment of medical expenses under Subchapter F,  
 71-4 Chapter 56A [~~Section 56.06~~], Code of Criminal Procedure, for a  
 71-5 victim of a sexual assault, and when requested, to referral to  
 71-6 available social service agencies that may offer additional  
 71-7 assistance;

71-8 (7) the right to be informed, upon request, of  
 71-9 procedures for release under supervision or transfer of the person  
 71-10 to the custody of the Texas Department of Criminal Justice for  
 71-11 parole, to participate in the release or transfer for parole  
 71-12 process, to be notified, if requested, of the person's release,  
 71-13 escape, or transfer for parole proceedings concerning the person,  
 71-14 to provide to the Texas Juvenile Justice Department for inclusion  
 71-15 in the person's file information to be considered by the department  
 71-16 before the release under supervision or transfer for parole of the  
 71-17 person, and to be notified, if requested, of the person's release or  
 71-18 transfer for parole;

71-19 (8) the right to be provided with a waiting area,  
 71-20 separate or secure from other witnesses, including the child  
 71-21 alleged to have committed the conduct and relatives of the child,  
 71-22 before testifying in any proceeding concerning the child, or, if a  
 71-23 separate waiting area is not available, other safeguards should be  
 71-24 taken to minimize the victim's contact with the child and the  
 71-25 child's relatives and witnesses, before and during court  
 71-26 proceedings;

71-27 (9) the right to prompt return of any property of the  
 71-28 victim that is held by a law enforcement agency or the attorney for  
 71-29 the state as evidence when the property is no longer required for  
 71-30 that purpose;

71-31 (10) the right to have the attorney for the state  
 71-32 notify the employer of the victim, if requested, of the necessity of  
 71-33 the victim's cooperation and testimony in a proceeding that may  
 71-34 necessitate the absence of the victim from work for good cause;

71-35 (11) the right to be present at all public court  
 71-36 proceedings related to the conduct of the child as provided by  
 71-37 Section 54.08, subject to that section; and

71-38 (12) any other right appropriate to the victim that a  
 71-39 victim of criminal conduct has under Subchapter B, Chapter 56A  
 71-40 [~~Article 56.02 or 56.021~~], Code of Criminal Procedure.

71-41 (b) In notifying a victim of the release or escape of a  
 71-42 person, the Texas Juvenile Justice Department shall use the same  
 71-43 procedure established for the notification of the release or escape  
 71-44 of an adult offender under Subchapter K, Chapter 56A [~~Article~~  
 71-45 ~~56.11~~], Code of Criminal Procedure.

71-46 SECTION 2.33. Section 57.003(d), Family Code, is amended to  
 71-47 read as follows:

71-48 (d) The victim assistance coordinator shall ensure that at a  
 71-49 minimum, a victim, guardian of a victim, or close relative of a  
 71-50 deceased victim receives:

71-51 (1) a written notice of the rights outlined in Section  
 71-52 57.002;

71-53 (2) an application for compensation under the Crime  
 71-54 Victims' Compensation Act (~~[Subchapter B,]~~ Chapter 56B [~~56~~], Code  
 71-55 of Criminal Procedure); and

71-56 (3) a victim impact statement with information  
 71-57 explaining the possible use and consideration of the victim impact  
 71-58 statement at detention, adjudication, and release proceedings  
 71-59 involving the juvenile.

71-60 SECTION 2.34. Section 57.0031, Family Code, is amended to  
 71-61 read as follows:

71-62 Sec. 57.0031. NOTIFICATION OF RIGHTS OF VICTIMS OF  
 71-63 JUVENILES. At the initial contact or at the earliest possible time  
 71-64 after the initial contact between the victim of a reported crime and  
 71-65 the juvenile probation office having the responsibility for the  
 71-66 disposition of the juvenile, the office shall provide the victim a  
 71-67 written notice:

71-68 (1) containing information about the availability of  
 71-69 emergency and medical services, if applicable;

72-1 (2) stating that the victim has the right to receive  
72-2 information regarding compensation to victims of crime as provided  
72-3 by the Crime Victims' Compensation Act (~~[Subchapter B,]~~ Chapter 56B  
72-4 [56], Code of Criminal Procedure), including information about:  
72-5 (A) the costs that may be compensated and the  
72-6 amount of compensation, eligibility for compensation, and  
72-7 procedures for application for compensation;  
72-8 (B) the payment for a medical examination for a  
72-9 victim of a sexual assault; and  
72-10 (C) referral to available social service  
72-11 agencies that may offer additional assistance;  
72-12 (3) stating the name, address, and phone number of the  
72-13 victim assistance coordinator for victims of juveniles;  
72-14 (4) containing the following statement: "You may call  
72-15 the crime victim assistance coordinator for the status of the case  
72-16 and information about victims' rights."  
72-17 (5) stating the rights of victims of crime under  
72-18 Section 57.002;  
72-19 (6) summarizing each procedural stage in the  
72-20 processing of a juvenile case, including preliminary  
72-21 investigation, detention, informal adjustment of a case,  
72-22 disposition hearings, release proceedings, restitution, and  
72-23 appeals;  
72-24 (7) suggesting steps the victim may take if the victim  
72-25 is subjected to threats or intimidation;  
72-26 (8) stating the case number and assigned court for the  
72-27 case; and  
72-28 (9) stating that the victim has the right to file a  
72-29 victim impact statement and to have it considered in juvenile  
72-30 proceedings.  
72-31 SECTION 2.35. Section 85.025(b-3), Family Code, is amended  
72-32 to read as follows:  
72-33 (b-3) Subsection (b) does not apply to a protective order  
72-34 issued under Subchapter A, Chapter 7B ~~[7A]~~, Code of Criminal  
72-35 Procedure.  
72-36 SECTION 2.36. Section 102.008(b), Family Code, is amended  
72-37 to read as follows:  
72-38 (b) The petition must include:  
72-39 (1) a statement that the court in which the petition is  
72-40 filed has continuing, exclusive jurisdiction or that no court has  
72-41 continuing jurisdiction of the suit;  
72-42 (2) the name and date of birth of the child, except  
72-43 that if adoption of a child is requested, the name of the child may  
72-44 be omitted;  
72-45 (3) the full name of the petitioner and the  
72-46 petitioner's relationship to the child or the fact that no  
72-47 relationship exists;  
72-48 (4) the names of the parents, except in a suit in which  
72-49 adoption is requested;  
72-50 (5) the name of the managing conservator, if any, or  
72-51 the child's custodian, if any, appointed by order of a court of  
72-52 another state or country;  
72-53 (6) the names of the guardians of the person and estate  
72-54 of the child, if any;  
72-55 (7) the names of possessory conservators or other  
72-56 persons, if any, having possession of or access to the child under  
72-57 an order of the court;  
72-58 (8) the name of an alleged father of the child or a  
72-59 statement that the identity of the father of the child is unknown;  
72-60 (9) a full description and statement of value of all  
72-61 property owned or possessed by the child;  
72-62 (10) a statement describing what action the court is  
72-63 requested to take concerning the child and the statutory grounds on  
72-64 which the request is made;  
72-65 (11) a statement as to whether, in regard to a party to  
72-66 the suit or a child of a party to the suit:  
72-67 (A) there is in effect:  
72-68 (i) a protective order under Title 4;  
72-69 (ii) a protective order under Subchapter A,

73-1 Chapter 7B [~~7A~~], Code of Criminal Procedure; or  
 73-2 (iii) an order for emergency protection  
 73-3 under Article 17.292, Code of Criminal Procedure; or  
 73-4 (B) an application for an order described by  
 73-5 Paragraph (A) is pending; and  
 73-6 (12) any other information required by this title.

73-7 SECTION 2.37. Section 160.6035(a), Family Code, is amended  
 73-8 to read as follows:

73-9 (a) The petition in a proceeding to adjudicate parentage  
 73-10 must include a statement as to whether, in regard to a party to the  
 73-11 proceeding or a child of a party to the proceeding:

73-12 (1) there is in effect:

73-13 (A) a protective order under Title 4;  
 73-14 (B) a protective order under Subchapter A,  
 73-15 Chapter 7B [~~7A~~], Code of Criminal Procedure; or  
 73-16 (C) an order for emergency protection under  
 73-17 Article 17.292, Code of Criminal Procedure; or

73-18 (2) an application for an order described by  
 73-19 Subdivision (1) is pending.

73-20 SECTION 2.38. Section 41.310(c), Government Code, is  
 73-21 amended to read as follows:

73-22 (c) The counsellor, in consultation with the board of  
 73-23 directors, shall notify the foreperson [~~foreman~~] of the appropriate  
 73-24 grand jury, in the manner provided by Article 20A.051 [~~20.09~~], Code  
 73-25 of Criminal Procedure, if:

73-26 (1) the counsellor receives credible evidence of  
 73-27 illegal or improper conduct by Texas Juvenile Justice Department  
 73-28 officers, employees, or contractors that the counsellor reasonably  
 73-29 believes jeopardizes the health, safety, and welfare of children in  
 73-30 the custody of that department;

73-31 (2) the counsellor reasonably believes the conduct:

73-32 (A) could constitute an offense described by  
 73-33 Article 104.003(a), Code of Criminal Procedure; and  
 73-34 (B) involves the alleged physical or sexual abuse  
 73-35 of a child in the custody of a Texas Juvenile Justice Department  
 73-36 facility or an investigation related to the alleged abuse; and

73-37 (3) the counsellor has reason to believe that  
 73-38 information concerning the conduct has not previously been  
 73-39 presented to the appropriate grand jury.

73-40 SECTION 2.39. Section 53.002(g), Government Code, is  
 73-41 amended to read as follows:

73-42 (g) The judge of each district court in Tarrant County that  
 73-43 gives preference to criminal cases and the judge of each criminal  
 73-44 district court in Tarrant County may appoint two persons to serve as  
 73-45 bailiffs. Notwithstanding Section 53.071 or Article 19A.301  
 73-46 [~~19.36~~], Code of Criminal Procedure, the district judges of the  
 73-47 courts in Tarrant County that give preference to criminal cases and  
 73-48 the criminal district courts in Tarrant County may appoint one  
 73-49 bailiff for each grand jury.

73-50 SECTION 2.40. Section 61.003(a), Government Code, is  
 73-51 amended to read as follows:

73-52 (a) Each person who reports for jury service shall be  
 73-53 personally provided a form letter that when signed by the person  
 73-54 directs the county treasurer to donate all, or a specific amount  
 73-55 designated by the person, of the person's daily reimbursement under  
 73-56 this chapter to:

73-57 (1) the compensation to victims of crime fund  
 73-58 established under Subchapter J [~~B~~], Chapter 56B [~~56~~], Code of  
 73-59 Criminal Procedure;

73-60 (2) the child welfare, child protective services, or  
 73-61 child services board of the county appointed under Section 264.005,  
 73-62 Family Code, that serves abused and neglected children;

73-63 (3) any program selected by the commissioners court  
 73-64 that is operated by a public or private nonprofit organization and  
 73-65 that provides shelter and services to victims of family violence;

73-66 (4) any other program approved by the commissioners  
 73-67 court of the county, including a program established under Article  
 73-68 56A.205 [~~56.04(f)~~], Code of Criminal Procedure, that offers  
 73-69 psychological counseling in criminal cases involving graphic

74-1 evidence or testimony; or

74-2 (5) a veterans court program established by the  
74-3 commissioners court as provided by Chapter 124.

74-4 SECTION 2.41. Section 76.016, Government Code, is amended  
74-5 to read as follows:

74-6 Sec. 76.016. VICTIM NOTIFICATION. (a) A department, using  
74-7 the name and address provided by the attorney representing the  
74-8 state under Article 56A.454(b) [~~56.08(d)~~], Code of Criminal  
74-9 Procedure, shall immediately notify a victim of the defendant's  
74-10 crime or, if the victim has a guardian or is deceased, notify the  
74-11 guardian of the victim or close relative of the deceased victim of:

74-12 (1) the fact that the defendant has been placed on  
74-13 community supervision;

74-14 (2) the conditions of community supervision imposed on  
74-15 the defendant by the court; and

74-16 (3) the date, time, and location of any hearing or  
74-17 proceeding at which the conditions of the defendant's community  
74-18 supervision may be modified or the defendant's placement on  
74-19 community supervision may be revoked or terminated.

74-20 (b) In this section, "close relative of a deceased victim,"  
74-21 "guardian of a victim," and "victim" have the meanings assigned by  
74-22 Article 56A.001 [~~56.01~~], Code of Criminal Procedure.

74-23 SECTION 2.42. Section 402.0213(a), Government Code, is  
74-24 amended to read as follows:

74-25 (a) The office of the attorney general may use  
74-26 videoconferencing technology:

74-27 (1) as a substitute for personal appearances in civil  
74-28 and criminal proceedings, as approved by the court; and

74-29 (2) for any proceeding, conference, or training  
74-30 conducted by an employee of the office of the attorney general whose  
74-31 duties include the implementation of Chapters 56A and 56B and  
74-32 Subchapter B, Chapter 58 [~~56~~], Code of Criminal Procedure, and  
74-33 Chapter 57, Family Code.

74-34 SECTION 2.43. Section 402.038(b), Government Code, is  
74-35 amended to read as follows:

74-36 (b) To address matters related to border security and  
74-37 organized crime, the transnational and organized crime division  
74-38 shall:

74-39 (1) establish within the division a prosecution unit  
74-40 to provide critical assistance to local prosecutors;

74-41 (2) using existing funds, establish within the  
74-42 division a trafficking of persons unit to:

74-43 (A) assist local law enforcement agencies and  
74-44 local prosecutors in investigating and prosecuting trafficking of  
74-45 persons and related crimes; and

74-46 (B) work with the appropriate local and state  
74-47 agencies to identify victims of trafficking of persons and to  
74-48 provide the types of assistance available for those victims under  
74-49 Chapters 56A and 56B and Subchapter B, Chapter 58 [~~56~~], Code of  
74-50 Criminal Procedure; and

74-51 (3) develop initiatives to provide greater state  
74-52 assistance, support, and coordination among state law enforcement  
74-53 agencies, local law enforcement agencies, and local prosecutors.

74-54 SECTION 2.44. Section 411.209(e), Government Code, is  
74-55 amended to read as follows:

74-56 (e) A civil penalty collected by the attorney general under  
74-57 this section shall be deposited to the credit of the compensation to  
74-58 victims of crime fund established under Subchapter J [~~B~~], Chapter  
74-59 56B [~~56~~], Code of Criminal Procedure.

74-60 SECTION 2.45. Section 420.051, Government Code, is amended  
74-61 to read as follows:

74-62 Sec. 420.051. ADVOCATES FOR SURVIVORS OF SEXUAL  
74-63 ASSAULT. An individual may act as an advocate for survivors of  
74-64 sexual assault for the purposes of Subchapter H, Chapter 56A  
74-65 [~~Article 56.045~~], Code of Criminal Procedure, if the individual has  
74-66 completed a sexual assault training program certified by the  
74-67 attorney general and is an employee or volunteer of a sexual assault  
74-68 program.

74-69 SECTION 2.46. Section 495.027(c), Government Code, is

75-1 amended to read as follows:

75-2 (c) The department shall transfer 50 percent of all  
75-3 commissions paid to the department by a vendor under this section to  
75-4 the compensation to victims of crime fund established by Subchapter  
75-5 J [~~B~~], Chapter 56B [~~56~~], Code of Criminal Procedure, and the other  
75-6 50 percent to the credit of the undedicated portion of the general  
75-7 revenue fund, except that the department shall transfer the first  
75-8 \$10 million of the commissions collected in any given year under a  
75-9 contract awarded under this section to the compensation to victims  
75-10 of crime fund established by Subchapter J [~~B~~], Chapter 56B [~~56~~],  
75-11 Code of Criminal Procedure. This section does not reduce any  
75-12 appropriation to the department.

75-13 SECTION 2.47. Section 501.174, Government Code, is amended  
75-14 to read as follows:

75-15 Sec. 501.174. DEPARTMENT TO ADOPT POLICY. The department  
75-16 shall adopt a policy providing for:

75-17 (1) a designated administrator at each correctional  
75-18 facility to post information throughout the facility describing how  
75-19 an inmate may confidentially contact the ombudsperson regarding a  
75-20 sexual assault;

75-21 (2) an inmate to write a confidential letter to the  
75-22 ombudsperson regarding a sexual assault;

75-23 (3) employees at correctional facilities, on  
75-24 notification of the occurrence of a sexual assault, to immediately:

75-25 (A) contact the ombudsperson and the office of  
75-26 the inspector general; and

75-27 (B) ensure that the alleged victim is safe;

75-28 (4) the office of the inspector general, at the time  
75-29 the office is notified of the sexual assault, to arrange for a  
75-30 medical examination of the alleged victim to be conducted in  
75-31 accordance with Subchapter F, Chapter 56A [~~Article 56.06~~], Code of  
75-32 Criminal Procedure, or, if an appropriate employee of the office of  
75-33 the inspector general is not available at the time the office is  
75-34 notified of the sexual assault, a qualified employee at the  
75-35 correctional facility to conduct a medical examination of the  
75-36 alleged victim in accordance with that subchapter [~~Article 56.06,~~  
75-37 ~~Code of Criminal Procedure~~];

75-38 (5) a grievance proceeding under Section 501.008 based  
75-39 on an alleged sexual assault to be exempt from any deadline  
75-40 applicable to grievances initiated under that section; and

75-41 (6) each correctional facility to collect statistics  
75-42 on all alleged sexual assaults against inmates confined in the  
75-43 facility and to report the statistics to the ombudsperson.

75-44 SECTION 2.48. Section 508.191(c), Government Code, is  
75-45 amended to read as follows:

75-46 (c) In this section, "victim" has the meaning assigned by  
75-47 Article 56A.001 [~~56.01(3)~~], Code of Criminal Procedure.

75-48 SECTION 2.49. Sections 552.132(a), (c), and (d), Government  
75-49 Code, are amended to read as follows:

75-50 (a) Except as provided by Subsection (d), in this section,  
75-51 "crime victim or claimant" means a victim or claimant under  
75-52 [~~Subchapter B,~~] Chapter 56B [~~56~~], Code of Criminal Procedure, who  
75-53 has filed an application for compensation under that chapter  
75-54 [~~subchapter~~].

75-55 (c) If the crime victim or claimant is awarded compensation  
75-56 under Article 56B.103 or 56B.104 [~~Section 56.34~~], Code of Criminal  
75-57 Procedure, as of the date of the award of compensation, the name of  
75-58 the crime victim or claimant and the amount of compensation awarded  
75-59 to that crime victim or claimant are public information and are not  
75-60 excepted from the requirements of Section 552.021.

75-61 (d) An employee of a governmental body who is also a victim  
75-62 under [~~Subchapter B,~~] Chapter 56B [~~56~~], Code of Criminal Procedure,  
75-63 regardless of whether the employee has filed an application for  
75-64 compensation under that chapter [~~subchapter~~], may elect whether to  
75-65 allow public access to information held by the attorney general's  
75-66 office or other governmental body that would identify or tend to  
75-67 identify the victim, including a photograph or other visual  
75-68 representation of the victim. An election under this subsection  
75-69 must be made in writing on a form developed by the governmental

76-1 body, be signed by the employee, and be filed with the governmental  
76-2 body before the third anniversary of the latest to occur of one of  
76-3 the following:

- 76-4 (1) the date the crime was committed;
- 76-5 (2) the date employment begins; or
- 76-6 (3) the date the governmental body develops the form  
76-7 and provides it to employees.

76-8 SECTION 2.50. Sections 552.1325(a)(1) and (2), Government  
76-9 Code, are amended to read as follows:

76-10 (1) "Crime victim" means a person who is a victim as  
76-11 defined by Article 56B.003 [~~56.32~~], Code of Criminal Procedure.

76-12 (2) "Victim impact statement" means a victim impact  
76-13 statement under Subchapter D, Chapter 56A [~~Article 56.03~~], Code of  
76-14 Criminal Procedure.

76-15 SECTION 2.51. Section 752.056(d), Government Code, is  
76-16 amended to read as follows:

76-17 (d) A civil penalty collected under this section shall be  
76-18 deposited to the credit of the compensation to victims of crime fund  
76-19 established under Subchapter J [~~B~~], Chapter 56B [~~56~~], Code of  
76-20 Criminal Procedure.

76-21 SECTION 2.52. Section 2009.053(a), Government Code, is  
76-22 amended to read as follows:

76-23 (a) A governmental body may appoint a governmental officer  
76-24 or employee or a private individual to serve as an impartial third  
76-25 party in an alternative dispute resolution procedure. The  
76-26 governmental body's appointment of the impartial third party is  
76-27 subject to the approval of the parties, except:

76-28 (1) that when a State Office of Administrative  
76-29 Hearings administrative law judge has issued an order referring a  
76-30 case involving a state agency to an alternative dispute resolution  
76-31 procedure under Section 2003.042(a)(5), the administrative law  
76-32 judge may appoint the impartial third party for the parties if they  
76-33 cannot agree on an impartial third party within a reasonable  
76-34 period; or

76-35 (2) for a victim-offender mediation by the Texas  
76-36 Department of Criminal Justice as described in Article 56A.602  
76-37 [~~56.13~~], Code of Criminal Procedure.

76-38 SECTION 2.53. Section 181.059, Health and Safety Code, is  
76-39 amended to read as follows:

76-40 Sec. 181.059. CRIME VICTIM COMPENSATION. This chapter does  
76-41 not apply to any person or entity in connection with providing,  
76-42 administering, supporting, or coordinating any of the benefits  
76-43 regarding compensation to victims of crime as provided by  
76-44 [~~Subchapter B,~~] Chapter 56B [~~56~~], Code of Criminal Procedure.

76-45 SECTION 2.54. Section 323.004(b), Health and Safety Code,  
76-46 is amended to read as follows:

76-47 (b) A health care facility providing care to a sexual  
76-48 assault survivor shall provide the survivor with:

76-49 (1) subject to Subsection (b-1), a forensic medical  
76-50 examination in accordance with Subchapter B, Chapter 420,  
76-51 Government Code, if the examination has been requested by a law  
76-52 enforcement agency under Subchapter F, Chapter 56A [~~Article 56.06~~],  
76-53 Code of Criminal Procedure, or is conducted under Subchapter G,  
76-54 Chapter 56A [~~Article 56.065~~], Code of Criminal Procedure;

76-55 (2) a private area, if available, to wait or speak with  
76-56 the appropriate medical, legal, or sexual assault crisis center  
76-57 staff or volunteer until a physician, nurse, or physician assistant  
76-58 is able to treat the survivor;

76-59 (3) access to a sexual assault program advocate, if  
76-60 available, as provided by Subchapter H, Chapter 56A [~~Article~~  
76-61 ~~56.045~~], Code of Criminal Procedure;

76-62 (4) the information form required by Section 323.005;

76-63 (5) a private treatment room, if available;

76-64 (6) if indicated by the history of contact, access to  
76-65 appropriate prophylaxis for exposure to sexually transmitted  
76-66 infections; and

76-67 (7) the name and telephone number of the nearest  
76-68 sexual assault crisis center.

76-69 SECTION 2.55. Section 323.005(a), Health and Safety Code,

77-1 is amended to read as follows:

77-2 (a) The department shall develop a standard information  
77-3 form for sexual assault survivors that must include:

77-4 (1) a detailed explanation of the forensic medical  
77-5 examination required to be provided by law, including a statement  
77-6 that photographs may be taken of the genitalia;

77-7 (2) information regarding treatment of sexually  
77-8 transmitted infections and pregnancy, including:

77-9 (A) generally accepted medical procedures;

77-10 (B) appropriate medications; and

77-11 (C) any contraindications of the medications  
77-12 prescribed for treating sexually transmitted infections and  
77-13 preventing pregnancy;

77-14 (3) information regarding drug-facilitated sexual  
77-15 assault, including the necessity for an immediate urine test for  
77-16 sexual assault survivors who may have been involuntarily drugged;

77-17 (4) information regarding crime victims compensation,  
77-18 including:

77-19 (A) a statement that:

77-20 (i) a law enforcement agency will pay for  
77-21 the forensic portion of an examination requested by the agency  
77-22 under Subchapter F, Chapter 56A [Article 56.06], Code of Criminal  
77-23 Procedure, and for the evidence collection kit; or

77-24 (ii) the Department of Public Safety will  
77-25 pay the appropriate fees for the forensic portion of an examination  
77-26 conducted under Subchapter G, Chapter 56A [Article 56.065], Code of  
77-27 Criminal Procedure, and for the evidence collection kit; and

77-28 (B) reimbursement information for the medical  
77-29 portion of the examination;

77-30 (5) an explanation that consent for the forensic  
77-31 medical examination may be withdrawn at any time during the  
77-32 examination;

77-33 (6) the name and telephone number of sexual assault  
77-34 crisis centers statewide; and

77-35 (7) information regarding postexposure prophylaxis  
77-36 for HIV infection.

77-37 SECTION 2.56. Section 241.007(e), Human Resources Code, is  
77-38 amended to read as follows:

77-39 (e) The chief inspector general of the office of inspector  
77-40 general, at the direction of the board of directors of the special  
77-41 prosecution unit, shall notify the foreperson [~~foreman~~] of the  
77-42 appropriate grand jury, in the manner provided by Article 20A.051  
77-43 [~~20.09~~], Code of Criminal Procedure, if:

77-44 (1) the chief inspector general receives credible  
77-45 evidence of illegal or improper conduct by department officers,  
77-46 employees, or contractors that the inspector general reasonably  
77-47 believes jeopardizes the health, safety, and welfare of children in  
77-48 the custody of the department;

77-49 (2) the chief inspector general reasonably believes  
77-50 the conduct:

77-51 (A) could constitute an offense under Article  
77-52 104.003(a), Code of Criminal Procedure; and

77-53 (B) involves the alleged physical or sexual abuse  
77-54 of a child in the custody of a department facility or an  
77-55 investigation related to the alleged abuse; and

77-56 (3) the chief inspector general has reason to believe  
77-57 that information concerning the conduct has not previously been  
77-58 presented to the appropriate grand jury.

77-59 SECTION 2.57. Section 1701.253(b), Occupations Code, is  
77-60 amended to read as follows:

77-61 (b) In establishing requirements under this section, the  
77-62 commission shall require courses and programs to provide training  
77-63 in:

77-64 (1) the investigation and documentation of cases that  
77-65 involve:

77-66 (A) child abuse or neglect;

77-67 (B) family violence; and

77-68 (C) sexual assault;

77-69 (2) issues concerning sex offender characteristics;

78-1 and

78-2 (3) crime victims' rights under Chapter 56A [~~56~~], Code  
78-3 of Criminal Procedure, and Chapter 57, Family Code, and the duty of  
78-4 law enforcement agencies to ensure that a victim is afforded those  
78-5 rights.

78-6 SECTION 2.58. Section 25.07(a), Penal Code, is amended to  
78-7 read as follows:

78-8 (a) A person commits an offense if, in violation of a  
78-9 condition of bond set in a family violence, sexual assault or abuse,  
78-10 stalking, or trafficking case and related to the safety of a victim  
78-11 or the safety of the community, an order issued under Subchapter A,  
78-12 Chapter 7B [~~7A~~], Code of Criminal Procedure, an order issued under  
78-13 Article 17.292, Code of Criminal Procedure, an order issued under  
78-14 Section 6.504, Family Code, Chapter 83, Family Code, if the  
78-15 temporary ex parte order has been served on the person, Chapter 85,  
78-16 Family Code, or Subchapter F, Chapter 261, Family Code, or an order  
78-17 issued by another jurisdiction as provided by Chapter 88, Family  
78-18 Code, the person knowingly or intentionally:

78-19 (1) commits family violence or an act in furtherance  
78-20 of an offense under Section 20A.02, 22.011, 22.021, or 42.072;

78-21 (2) communicates:

78-22 (A) directly with a protected individual or a  
78-23 member of the family or household in a threatening or harassing  
78-24 manner;

78-25 (B) a threat through any person to a protected  
78-26 individual or a member of the family or household; or

78-27 (C) in any manner with the protected individual  
78-28 or a member of the family or household except through the person's  
78-29 attorney or a person appointed by the court, if the violation is of  
78-30 an order described by this subsection and the order prohibits any  
78-31 communication with a protected individual or a member of the family  
78-32 or household;

78-33 (3) goes to or near any of the following places as  
78-34 specifically described in the order or condition of bond:

78-35 (A) the residence or place of employment or  
78-36 business of a protected individual or a member of the family or  
78-37 household; or

78-38 (B) any child care facility, residence, or school  
78-39 where a child protected by the order or condition of bond normally  
78-40 resides or attends;

78-41 (4) possesses a firearm;

78-42 (5) harms, threatens, or interferes with the care,  
78-43 custody, or control of a pet, companion animal, or assistance  
78-44 animal that is possessed by a person protected by the order or  
78-45 condition of bond; or

78-46 (6) removes, attempts to remove, or otherwise tampers  
78-47 with the normal functioning of a global positioning monitoring  
78-48 system.

78-49 SECTION 2.59. Section 25.071(a), Penal Code, is amended to  
78-50 read as follows:

78-51 (a) A person commits an offense if, in violation of an order  
78-52 issued under Subchapter C, Chapter 7B [~~Article 6.08~~], Code of  
78-53 Criminal Procedure, the person knowingly or intentionally:

78-54 (1) commits an offense under Title 5 or Section 28.02,  
78-55 28.03, or 28.08 and commits the offense because of bias or prejudice  
78-56 as described by Article 42.014, Code of Criminal Procedure;

78-57 (2) communicates:

78-58 (A) directly with a protected individual in a  
78-59 threatening or harassing manner;

78-60 (B) a threat through any person to a protected  
78-61 individual; or

78-62 (C) in any manner with the protected individual,  
78-63 if the order prohibits any communication with a protected  
78-64 individual; or

78-65 (3) goes to or near the residence or place of  
78-66 employment or business of a protected individual.

78-67 SECTION 2.60. Section 46.04(c), Penal Code, is amended to  
78-68 read as follows:

78-69 (c) A person, other than a peace officer, as defined by

79-1 Section 1.07, actively engaged in employment as a sworn, full-time  
 79-2 paid employee of a state agency or political subdivision, who is  
 79-3 subject to an order issued under Section 6.504 or Chapter 85, Family  
 79-4 Code, under Article 17.292 or Subchapter A, Chapter 7B [7A], Code of  
 79-5 Criminal Procedure, or by another jurisdiction as provided by  
 79-6 Chapter 88, Family Code, commits an offense if the person possesses  
 79-7 a firearm after receiving notice of the order and before expiration  
 79-8 of the order.

79-9 SECTION 2.61. Section 77.051(a), Property Code, is amended  
 79-10 to read as follows:

79-11 (a) Notwithstanding the confidentiality provisions of  
 79-12 Subchapters C, D, E, and F, Chapter 58 [~~Chapters 57, 57A, 57B, and~~  
 79-13 ~~57D~~], Code of Criminal Procedure, each holder who on March 1 holds  
 79-14 an unclaimed restitution payment that is presumed abandoned under  
 79-15 Section 76.013 or 508.322, Government Code, shall file a property  
 79-16 report with the comptroller on or before the following July 1. The  
 79-17 comptroller may prescribe the form to be used for the report  
 79-18 required by this section and may require the report to be filed  
 79-19 electronically.

79-20 SECTION 2.62. Section 77.252(a), Property Code, is amended  
 79-21 to read as follows:

79-22 (a) Except as provided by Subsection (b) and Chapter 56B  
 79-23 [56], Code of Criminal Procedure, money in the compensation to  
 79-24 victims of crime auxiliary fund may only be used to pay claims as  
 79-25 provided by this chapter and is not available for any other  
 79-26 purpose. Section 403.095, Government Code, does not apply to the  
 79-27 fund.

79-28 SECTION 2.63. Sections 92.0161(c) and (c-1), Property Code,  
 79-29 are amended to read as follows:

79-30 (c) If the tenant is a victim or a parent or guardian of a  
 79-31 victim of sexual assault under Section 22.011, Penal Code, aggravated  
 79-32 sexual assault under Section 22.021, Penal Code, indecency with a child  
 79-33 under Section 21.11, Penal Code, sexual performance by a child under  
 79-34 Section 43.25, Penal Code, continuous sexual abuse of a child under  
 79-35 Section 21.02, Penal Code, or an attempt to commit any of the foregoing  
 79-36 offenses under Section 15.01, Penal Code, that takes place during the  
 79-37 preceding six-month period on the premises or at any dwelling on the  
 79-38 premises, the tenant shall provide to the landlord or the landlord's  
 79-39 agent a copy of:

79-41 (1) documentation of the assault or abuse, or attempted assault or  
 79-42 abuse, of the victim from a licensed health care services provider who  
 79-43 examined the victim;

79-44 (2) documentation of the assault or abuse, or attempted assault or  
 79-45 abuse, of the victim from a licensed mental health services provider  
 79-46 who examined or evaluated the victim;

79-47 (3) documentation of the assault or abuse, or attempted assault or  
 79-48 abuse, of the victim from an individual authorized under Chapter 420,  
 79-49 Government Code, who provided services to the victim; or

79-51 (4) documentation of a protective order issued under  
 79-52 Subchapter A, Chapter 7B [7A], Code of Criminal Procedure, except  
 79-53 for a temporary ex parte order.

79-54 (c-1) If the tenant is a victim or a parent or guardian of a  
 79-55 victim of stalking under Section 42.072, Penal Code, that takes  
 79-56 place during the preceding six-month period on the premises or at  
 79-57 any dwelling on the premises, the tenant shall provide to the  
 79-58 landlord or the landlord's agent a copy of:

79-59 (1) documentation of a protective order issued under  
 79-60 Subchapter A or B, Chapter 7B [7A or Article 6.09], Code of Criminal  
 79-61 Procedure, except for a temporary ex parte order; or

79-62 (2) documentation of the stalking from a provider of  
 79-63 services described by Subsection (c)(1), (2), or (3) and:

79-64 (A) a law enforcement incident report or, if a law enforcement  
 79-65 incident report is unavailable, another record maintained in the  
 79-66 ordinary course of business by a law enforcement agency; and

79-67 (B) if the report or record described by Paragraph (A) identifies  
 79-68 the victim by means of a pseudonym, as

79-69

80-1 defined by Article 58.001 [~~57A.01~~], Code of Criminal Procedure, a  
 80-2 copy of a pseudonym form completed and returned under Article  
 80-3 58.152(a) [~~57A.02~~] of that code.

80-4 SECTION 2.64. Section 11.43(j), Tax Code, is amended to  
 80-5 read as follows:

80-6 (j) In addition to the items required by Subsection (f), an  
 80-7 application for a residence homestead exemption prescribed by the  
 80-8 comptroller and authorized by Section 11.13 must:

80-9 (1) list each owner of the residence homestead and the  
 80-10 interest of each owner;

80-11 (2) state that the applicant does not claim an  
 80-12 exemption under that section on another residence homestead in this  
 80-13 state or claim a residence homestead exemption on a residence  
 80-14 homestead outside this state;

80-15 (3) state that each fact contained in the application  
 80-16 is true;

80-17 (4) include a copy of the applicant's driver's license  
 80-18 or state-issued personal identification certificate unless the  
 80-19 applicant:

80-20 (A) is a resident of a facility that provides  
 80-21 services related to health, infirmity, or aging; or

80-22 (B) is certified for participation in the address  
 80-23 confidentiality program administered by the attorney general under  
 80-24 Subchapter B [~~C~~], Chapter 58 [~~56~~], Code of Criminal Procedure;

80-25 (5) state that the applicant has read and understands  
 80-26 the notice of the penalties required by Subsection (f); and

80-27 (6) be signed by the applicant.

80-28 SECTION 2.65. Section 25.025(a), Tax Code, as amended by  
 80-29 Chapters 34 (S.B. 1576), 41 (S.B. 256), 193 (S.B. 510), 1006 (H.B.  
 80-30 1278), and 1145 (H.B. 457), Acts of the 85th Legislature, Regular  
 80-31 Session, 2017, is reenacted and amended to read as follows:

80-32 (a) This section applies only to:

80-33 (1) a current or former peace officer as defined by  
 80-34 Article 2.12, Code of Criminal Procedure, and the spouse or  
 80-35 surviving spouse of the peace officer;

80-36 (2) the adult child of a current peace officer as  
 80-37 defined by Article 2.12, Code of Criminal Procedure;

80-38 (3) a county jailer as defined by Section 1701.001,  
 80-39 Occupations Code;

80-40 (4) an employee of the Texas Department of Criminal  
 80-41 Justice;

80-42 (5) a commissioned security officer as defined by  
 80-43 Section 1702.002, Occupations Code;

80-44 (6) an individual who shows that the individual, the  
 80-45 individual's child, or another person in the individual's household  
 80-46 is a victim of family violence as defined by Section 71.004, Family  
 80-47 Code, by providing:

80-48 (A) a copy of a protective order issued under  
 80-49 Chapter 85, Family Code, or a magistrate's order for emergency  
 80-50 protection issued under Article 17.292, Code of Criminal Procedure;  
 80-51 or

80-52 (B) other independent documentary evidence  
 80-53 necessary to show that the individual, the individual's child, or  
 80-54 another person in the individual's household is a victim of family  
 80-55 violence;

80-56 (7) [~~(6)~~] an individual who shows that the individual,  
 80-57 the individual's child, or another person in the individual's  
 80-58 household is a victim of sexual assault or abuse, stalking, or  
 80-59 trafficking of persons by providing:

80-60 (A) a copy of a protective order issued under  
 80-61 Subchapter A or B, Chapter 7B [~~7A or Article 6.09~~], Code of Criminal  
 80-62 Procedure, or a magistrate's order for emergency protection issued  
 80-63 under Article 17.292, Code of Criminal Procedure; or

80-64 (B) other independent documentary evidence  
 80-65 necessary to show that the individual, the individual's child, or  
 80-66 another person in the individual's household is a victim of sexual  
 80-67 assault or abuse, stalking, or trafficking of persons;

80-68 (8) [~~(7)~~] a participant in the address  
 80-69 confidentiality program administered by the attorney general under

81-1 Subchapter B [~~C~~], Chapter 58 [~~56~~], Code of Criminal Procedure, who  
81-2 provides proof of certification under Article 58.059 [~~56.84~~], Code  
81-3 of Criminal Procedure;  
81-4 (9) [~~(8)~~] a federal judge, a state judge, or the  
81-5 spouse of a federal judge or state judge;  
81-6 (10) a current or former district attorney, criminal  
81-7 district attorney, or county or municipal attorney whose  
81-8 jurisdiction includes any criminal law or child protective services  
81-9 matters;  
81-10 (11) [~~(9)~~] a current or former employee of a district  
81-11 attorney, criminal district attorney, or county or municipal  
81-12 attorney whose jurisdiction includes any criminal law or child  
81-13 protective services matters;  
81-14 (12) [~~(10)~~] an officer or employee of a community  
81-15 supervision and corrections department established under Chapter  
81-16 76, Government Code, who performs a duty described by Section  
81-17 76.004(b) of that code;  
81-18 (13) [~~(11)~~] a criminal investigator of the United  
81-19 States as described by Article 2.122(a), Code of Criminal  
81-20 Procedure;  
81-21 (14) [~~(12)~~] a police officer or inspector of the  
81-22 United States Federal Protective Service;  
81-23 (15) [~~(13)~~] a current or former United States attorney  
81-24 or assistant United States attorney and the spouse and child of the  
81-25 attorney;  
81-26 (16) [~~(14)~~] a current or former employee of the office  
81-27 of the attorney general who is or was assigned to a division of that  
81-28 office the duties of which involve law enforcement;  
81-29 (17) [~~(15)~~] a medical examiner or person who performs  
81-30 forensic analysis or testing who is employed by this state or one or  
81-31 more political subdivisions of this state;  
81-32 (18) [~~(16)~~] a current or former member of the United  
81-33 States armed forces who has served in an area that the president of  
81-34 the United States by executive order designates for purposes of 26  
81-35 U.S.C. Section 112 as an area in which armed forces of the United  
81-36 States are or have engaged in combat;  
81-37 (19) [~~(17)~~] a current or former employee of the Texas  
81-38 Juvenile Justice Department or of the predecessors in function of  
81-39 the department;  
81-40 (20) [~~(18)~~] a current or former juvenile probation or  
81-41 supervision officer certified by the Texas Juvenile Justice  
81-42 Department, or the predecessors in function of the department,  
81-43 under Title 12, Human Resources Code;  
81-44 (21) [~~(19)~~] a current or former employee of a juvenile  
81-45 justice program or facility, as those terms are defined by Section  
81-46 261.405, Family Code; ~~and~~  
81-47 (22) [~~(18)~~] a current or former employee of the Texas  
81-48 Civil Commitment Office or the predecessor in function of the  
81-49 office or a division of the office; and  
81-50 (23) [~~(18)~~] a current or former employee of a federal  
81-51 judge or state judge.

## ARTICLE 3. REPEALER

81-52  
81-53 SECTION 3.01. The following provisions of the Code of  
81-54 Criminal Procedure are repealed:

- 81-55 (1) Articles 6.08 and 6.09; and  
81-56 (2) Chapters 7A, 19, 20, 54, 56, 57, 57A, 57B, 57C, and  
81-57 57D.

## ARTICLE 4. GENERAL MATTERS

81-58  
81-59 SECTION 4.01. This Act is enacted under Section 43, Article  
81-60 III, Texas Constitution. This Act is intended as a codification  
81-61 only, and no substantive change in the law is intended by this Act.

81-62 SECTION 4.02. (a) Chapter 311, Government Code (Code  
81-63 Construction Act), applies to the construction of each provision in  
81-64 the Code of Criminal Procedure that is enacted under Section 43,  
81-65 Article III, Texas Constitution (authorizing the continuing  
81-66 statutory revision program), in the same manner as to a code enacted  
81-67 under the continuing statutory revision program, except as  
81-68 otherwise expressly provided by the Code of Criminal Procedure.

- 81-69 (b) A reference in a law to a statute or a part of a statute

82-1 in the Code of Criminal Procedure enacted under Section 43, Article  
82-2 III, Texas Constitution (authorizing the continuing statutory  
82-3 revision program), is considered to be a reference to the part of  
82-4 that code that revises that statute or part of that statute.  
82-5 SECTION 4.03. This Act takes effect January 1, 2021.

82-6

\* \* \* \* \*